

NO. CAAP-19-0000573

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
THOMAS RAYE, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3DTC-18-070490)

ORDER DISMISSING APPEAL

(By: Chan, Presiding Judge, Hiraoka and Wadsworth, JJ.)

Upon review of the record, it appears that:

(1) On August 9, 2019, self-represented Defendant-Appellant Thomas Raye (Raye) conventionally filed the notice of appeal without paying the fees required by Hawaii Rules of Appellate Procedure (HRAP) Rule 3(a);

(2) On August 14, 2019, the district court clerk electronically filed the notice of appeal, to create the appeal in CAAP-19-0000573. The same day, the district court clerk notified Raye that the district court denied his request for a waiver of court costs, and that he is required to pay the filing fees on or before August 27, 2019, or the appeal could be dismissed;

(3) On October 17, 2019, the appellate clerk entered a default of the record on appeal, informing Raye that the time to docket the appeal expired on October 14, 2019, he had not paid the filing fees, the record on appeal cannot be prepared without payment of the fees or an order allowing him to proceed on appeal

in forma pauperis, the matter would be brought to the court's attention on October 28, 2019, for action that may include dismissal of the appeal, and he could seek relief from default by motion;

(4) Raye took no further action in this appeal; and

(5) An appeal may be dismissed where the record on appeal has not been prepared because the appellant failed to pay the required fees or obtain an order allowing the appellant to proceed *in forma pauperis*. HRAP Rule 11(b)(2), (c)(2).

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, September 24, 2020.

/s/ Derrick H.M. Chan
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge