

NO. CAAP-19-0000330

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
TED D. PRATT, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
'EWA DIVISION
(CASE NO. 1DCW-18-0004309)

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Hiraoka and Wadsworth, JJ.)

Upon review of the record, it appears that:

(1) On or about April 8, 2019, self-represented Defendant-Appellant Ted Dean Pratt (Pratt) filed the notice of appeal and a request for transcripts;

(2) On June 6, 2019, the district court clerk filed the record on appeal, and the appellate clerk notified the parties that the statement of jurisdiction and opening brief were due on or before June 17, 2019, and July 17, 2019, respectively;

(3) Pratt failed to file either document or timely request an extension;

(4) On July 24, 2019, the appellate clerk notified Pratt that the time for filing the statement of jurisdiction and opening brief had expired, the matter would be called to the court's attention on August 5, 2019, for appropriate action, which could include dismissal of the appeal, under Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(e) and 30, and Pratt may request relief from default by motion;

(5) On August 30, 2019, the court, among other things, granted the court reporter's extension request and extended the

transcript deadline to October 4, 2019, and granted Pratt relief from default and a first extension of time for the statement of jurisdiction and opening brief. The court ordered the statement of jurisdiction to be filed on or before September 9, 2019, and the opening brief to be filed within thirty days after the court reporter files the last transcript, but not later than November 4, 2019, unless extended by the court. The court cautioned Pratt that any further default of the statement of jurisdiction or opening brief may result in sanctions authorized by HRAP Rules 12.1(e) and 30, including, without limitation, monetary sanctions, the appeal being dismissed, or both;

(6) On October 17, 2019, the court reporter filed a notice of unavailability of transcripts due to nonpayment, indicating Pratt stated he would seek *in forma pauperis* relief in the district court on the following Monday, which would have been September 23, 2019, but the court reporter did not hear back from Pratt; and

(7) Pratt has not taken any further action in this case, CAAP-19-0000330, or in the underlying case, 1DCW-18-0004309.

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

DATED: Honolulu, Hawai'i, June 22, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge