

**Electronically Filed
Intermediate Court of Appeals
CAAP-17-0000395
19-JUN-2023
08:04 AM
Dkt. 58 ODSD**

NO. CAAP-17-0000395

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
ALFRED SPINNEY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH KONA DIVISION
(CASE NO. 3DTA-17-01026)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On October 26, 2021, the court issued an order to show cause to self-represented Defendant-Appellant Alfred N. Spinney (Spinney) to file, within thirty days from the order, a declaration, affidavit, or other sworn statement indicating why the appeal should not be dismissed for failure to participate in district court proceedings during the temporary remand described in the order, pay the appellate filing fee or obtain a fee waiver, or file the statement of jurisdiction and opening brief. The court cautioned Spinney that failure to timely respond to the order or to show good cause may result in sanctions. The appellate clerk mailed a copy of the order to Spinney by certified mail, and received a return receipt confirming conventional service; and

(2) Spinney failed to respond to the order to show cause.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed, under Hawai'i Rules of Appellate Procedure Rules 11(b)(2) and (c)(2), 12.1(e), 30, and 51.

IT IS FURTHER ORDERED that the appellate clerk shall mail a copy of this order to Spinney by certified mail at each address on record for Spinney in this case.

DATED: Honolulu, Hawai'i, June 19, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge