

NO. 22588

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII, Plaintiff-Appellee

vs.

RONALD LOPES, Defendant-Appellant

and

REINHARD MOHR, Real Party in Interest-Appellant

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APPEAL FROM FIRST CIRCUIT COURT  
(CR. NO. 90-1398)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Real party in interest-appellant Reinhard Mohr (Mohr) appeals from the denial of his request for attorney's fees by the circuit court of the first circuit on grounds of untimeliness. Upon careful review of the record and the briefs submitted by the parties, the circuit court's disposition is affirmed. Apart from the question whether the deadline in Criminal Administrative Order (CAO) Rule 1.1 (1998) governs the instant request, the order in effect at the time that Mohr's claims arose, Criminal Division (HUD) Memo #21 (October 23, 1989), provided for the submission of billings "every one hundred and eighty (180) days after appointment and/or upon entry of an order or judgment reflecting final disposition of the case in Circuit Court." The "final disposition" corresponding to Mohr's request for fees incurred between January and October of 1991 is the judgment of

the circuit court of January 7, 1992, from which no appeal was taken. Accordingly, notwithstanding the policy in favor of duly compensating court-appointed attorneys for their work, given the excessive and unreasonable delay in filing in this case, we hold that the circuit court did not err in denying Mohr's attorney's fees request.

DATED: Honolulu, Hawai'i, August 30, 2000.

On the briefs:

Reinhard Mohr, Real Party  
in Interest-Appellant

Alexa D. M. Fujise, Deputy  
Prosecuting Attorney, for  
plaintiff-appellee