

NO. 23203

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

DAN CUNNINGHAM, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT COURT
(CASE NO. CTR-1 OF 10/6/94)

ORDER DISMISSING APPEAL

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

Upon review of the record, (1) the supreme court clerk's office informed Appellant Dan Cunningham by letter dated May 26, 2000 that the record on appeal cannot be filed without payment of the filing fee pursuant to Rule 3(f) of the Hawai'i Rules of Appellate Procedure (HRAP) or an executed motion to proceed in forma pauperis pursuant to HRAP 24 and that the matter would be called to the attention of the court for such action as the court deemed proper pursuant to Rule 11(a), including dismissal of the appeal; and (2) appellant failed to pay the filing fee or submit a motion to proceed in forma pauperis; therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, August 25, 2000.