

**Electronically Filed
Intermediate Court of Appeals
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NOS. CAAP-18-0000537 and CAAP-18-0000608

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-17-03587)

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 in CAAP-18-0000537 and CAAP-18-0000608, or file the 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;

(2) On November 26, 2021, Spinney, who was not previously a registered Judiciary Electronic Filing System User, electronically filed a document addressed to "Chief Administrator Recktenwald," which the court construes as a response to the

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October 26, 2021 order to show cause. Spinney asserts he is not required to comply with the October 26, 2021 order because it is the "functional equivalent" of genocide; and

(3) Spinney's response fails to demonstrate good 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), 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