

NO. 30431

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
ALAN KLASK, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
(CR. NO. 09-1-0338)

ORDER

(By: Fujise, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of "Defendant-Appellant's Motion to Dismiss Appeal From Judgment Guilty Conviction and Sentence," the papers in support, and the records and files herein, it appears that: (1) on March 17, 2010, the Circuit Court of the Fifth Circuit entered a judgment of conviction and sentenced Defendant-Appellant Alan Klask (Appellant) to 50 hours of community service; (2) on April 6, 2010, Appellant filed a notice of appeal; (3) according to the declaration of Rosa Flores, Counsel for Appellant, she attempted to contact Appellant, who has no local address, regarding the appeal by leaving messages on Appellant's cell phone; (4) in early June, Appellant called Counsel and informed her that he completed his community service and no longer wished to appeal; (5) Counsel informed Appellant she would withdraw the appeal, but Appellant had to remain in contact until the withdrawal papers were finalized; (6) Counsel made multiple efforts to contact Appellant in June and July without success; (7) Counsel verifies that Appellant no longer wants to pursue the appeal; and (8) as required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(c), Counsel's declaration

demonstrates that Appellant wants to withdraw his appeal and that Counsel made a diligent effort to contact Appellant regarding the dismissal. Therefore,

IT IS HEREBY ORDERED that "Defendant-Appellant's Motion to Dismiss Appeal From Judgment Guilty Conviction and Sentence" is granted, and this appeal is dismissed pursuant to HRAP Rule 42(c).

DATED: Honolulu, Hawai'i, August 12, 2010.

On the motion:

Rosa Flores,  
for Defendant-Appellant.

Presiding Judge

Associate Judge

Associate Judge