

NO. CAAP-11-0000664

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

STATE OF HAWAII, Plaintiff-Appellee, v.  
KYLE CAMERON SCHARNHORST, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CR. NO. 07-1-0628(2))

ORDER GRANTING THE MOTION FOR  
VOLUNTARY DISMISSAL OF APPEAL FILED ON DECEMBER 14, 2012  
(By: Foley, Presiding Judge, Fujise and Ginoza, JJ.)

Upon consideration of the Motion for Voluntary Dismissal of Appeal, filed on December 14, 2012 by Cynthia A. Kagiwada, Esq., counsel for Defendant-Appellant Kyle Cameron Scharnhorst, the attachments thereto, and the files herein, it appears that Defendant-Appellant's declaration reflects a knowing and intelligent understanding of the consequences of the dismissal of the appeal with prejudice and that Defendant-Appellant's withdrawal of his appeal is made voluntarily.

**NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER**

IT IS HEREBY ORDERED that the motion is granted,  
pursuant to Hawai'i Rules of Appellate Procedure Rule 42, and the  
appeal is dismissed.

DATED: Honolulu, Hawai'i, December 19, 2012.

Presiding Judge

Associate Judge

Associate Judge