

NO. CAAP-11-0000101

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
MARTY MARTINS, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT  
(CR. NO. 5P110-01013)

ORDER DISMISSING APPEAL

(By: Nakamura, C.J., Leonard and Reifurth, JJ.)

Upon consideration of the August 1, 2011 letter from counsel for Defendant-Appellant, Marty Martins, informing this court that Mr. Martins had passed away during the pendency of this appeal and that counsel was aware of no person to properly serve as a substitute party, the December 30, 2011 Suggestion of Death Upon the Record Under HRAP Rule 43(a), the Plaintiff-Appellee, State of Hawai'i's failure to move for a substitution, and the record and file herein,

IT IS HEREBY ORDERED that this appeal is dismissed.

DATED: Honolulu, Hawai'i, January 17, 2012.

Chief Judge

Associate Judge

Associate Judge