

NO. CAAP-11-0000320

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
(CASE NO. 5DTP-10-001766)

ORDER DISMISSING APPEAL

(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) Defendant-Appellant Marty Martins (Appellant), who was representing himself, filed a notice of appeal on April 6, 2011; (2) on November 29, 2011, Deputy Prosecuting Attorney Tracy Murakami informed the court that Appellant passed away and has not requested a substitution; (3) on January 17, 2012, this court in Appeal No. CAAP-11-101, State v. Martins, another appeal involving Appellant, issued an order dismissing the appeal because there was no person to serve as substitute party under

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Hawai'i Rules of Appellate Procedure (HRAP) Rule 43(a); and (4) as Appellant was representing himself in the present appeal, there is no person to serve as a substitute party under HRAP Rule 43(a). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed.

DATED: Honolulu, Hawai'i, January 25, 2012.

Presiding Judge

Associate Judge

Associate Judge