

NO. 30391

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
GERALD L. AUSTIN, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 07-1-1652)

ORDER DENYING WITHOUT PREJUDICE
DEFENDANT-APPELLANT'S REQUEST FOR DISMISSAL OF APPEAL
(By: Leonard, J., for the court)¹

Upon consideration of Defendant-Appellant Gerald Austin's letter requesting dismissal of his appeal, the papers in support, and the records and files herein, it appears that:

(1) Appellant is represented by counsel and any request for relief should be through counsel of record; and (2) a motion for dismissal of an appeal in a criminal case must comply with Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(c).

Therefore, IT IS HEREBY ORDERED that the request for dismissal of appeal is denied without prejudice to subsequent a motion filed by counsel of record in accordance with HRAP Rule 42(c).

DATED: Honolulu, Hawai'i, May 31, 2012.

FOR THE COURT:

Associate Judge

¹ Considered by: Foley, Presiding Judge, Leonard and Reifurth, JJ.