

NO. CAAP-13-0005801

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.  
MI YOUNG YOU, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CASE NO. 1DCW-13-000332)

ORDER DISMISSING AS MOOT THE  
APRIL 3, 2014 "STIPULATION TO DISMISS APPEAL"  
(By: Nakamura, Chief Judge, Foley and Leonard, JJ.)

Upon consideration of the "Stipulation to Dismiss Appeal" (Stipulation) filed on April 3, 2014 by Defendant-Appellant Mi Young You, and the records and files herein, it appears that the Stipulation as to this criminal appeal is not supported by Appellant's affidavit or declaration that reflects a knowing and intelligent understanding of the consequences of the dismissal of the appeal and that the withdrawal is made voluntarily, as required under Rule 42(c) of the Hawai'i Rules of Appellate Procedure. However, it also appears that, on remand, the district court approved a stipulation that vacated the

judgment of conviction that is the subject of the instant appeal.<sup>1</sup> Where no judgment of conviction remains from which Appellant may properly appeal, the appeal is moot, and we now reassume jurisdiction over the appeal to address this matter. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed as moot.

DATED: Honolulu, Hawai'i, April 15, 2014.

Chief Judge

Associate Judge

Associate Judge

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<sup>1</sup> JIMS DC Crim permits viewing of the said approved stipulation in the underlying criminal case 1DCW-13-0000332, and this court takes judicial notice of said approved stipulation.