

NO. CAAP-13-0003940

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
BYRD LAJAR, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1DTA-13-00687)

ORDER GRANTING THE JULY 15, 2014 MOTION TO DISMISS APPEAL
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the "Motion to Dismiss Appeal" (**Motion to Dismiss**), filed on July 15, 2014 by James B. Lewis (**Counsel**), counsel for Defendant-Appellant Byrd Lajar (**Appellant**), the papers in support and the record, and noting no opposition, it appears that (1) Appellant expressed to Counsel at a May 14, 2014 sentencing hearing that Appellant wished to dismiss the appeal; (2) since May 14, 2014, Counsel has been unable to locate Appellant for the purpose of filing the instant Motion to Dismiss; and (3) Counsel has attached to the Motion to Dismiss a Declaration setting forth the circumstances of his diligent efforts to locate Appellant since May 14, 2014, pursuant to Hawai'i Rules of Appellate Procedure Rule 42(c).

Therefore, IT IS HEREBY ORDERED that the motion is granted, and the appeal is dismissed.

DATED: Honolulu, Hawai'i, August 5, 2014.

Chief Judge

Associate Judge

Associate Judge