

NO. CAAP-14-0001303

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
JOHN R. SILVA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1DCW-14-0003712)

ORDER APPROVING THE NOVEMBER 26, 2014
STIPULATION FOR DISMISSAL OF APPEAL
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon consideration of the "Stipulation for Dismissal of Appeal," filed by Defendant-Appellant John R. Silva (**Appellant**) on November 26, 2014, the papers in support and the record, it appears that:

(1) The record on appeal has not been filed.

(2) Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 42(a) provides that "[i]f an appeal has not been docketed, the appeal shall be dismissed upon the filing of a stipulation for dismissal signed by all the parties."

(3) HRAP Rule 42(c) provides, "In a criminal appeal by a defendant, the stipulation . . . for dismissal of the appeal shall be supported by the defendant's . . . declaration that reflects a knowing and intelligent understanding of the consequences of the dismissal of the appeal and that the withdrawal is made voluntarily."

(4) The parties' counsel have signed the stipulation.

(5) Appellant states in an attached declaration that he entered into a plea agreement in which he agreed to be re-sentenced to 180 days in jail with no probation in exchange for withdrawing the appeal.

(6) Appellant's declaration reflects a knowing and intelligent understanding of the consequences of dismissal of the appeal and that the withdrawal is made voluntarily. Therefore,

IT IS HEREBY ORDERED that the stipulation is approved, and the appeal in No. CAAP-14-0001303 is dismissed.

DATED: Honolulu, Hawai'i, December 11, 2014.

Chief Judge

Associate Judge

Associate Judge