

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-11-0000307  
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NO. CAAP-11-0000307

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
DONNA MUKAI, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(CASE NO. 3DTC-09-004250)

ORDER DENYING WITHOUT PREJUDICE  
DEFENDANT-APPELLANT'S APPLICATION TO DISMISS APPEAL  
(By: Foley, J.)

Upon consideration of Counsel's Application to Dismiss Appeal and in Response to order to Show cause, the papers in support, and the records and files herein, it appears that:

(1) Ivan L. Van Leer, counsel for Defendant-Appellant Donna Mukai, states that Appellant is satisfied with the outcome of this matter and does not wish further review; and (2) the motion to dismiss is not support by a declaration of Appellant indicating that she understands the consequences of dismissing her appeal and that the withdrawal of the appeal is voluntary as required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(c). Therefore,

IT IS HEREBY ORDERED that the application to dismiss appeal is denied without prejudice to a subsequent motion that complies with HRAP Rule 42(c).

DATED: Honolulu, Hawai'i, December 30, 2011.

  
Associate Judge