

NO. CAAP-10-0000162

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
KENNETH FORTHNER McARDLE, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NOS. 1DTC-10-010735 and IDTI-10-135127)

ORDER DENYING WITHOUT PREJUDICE
DEFENDANT-APPELLANT'S MOTION FOR DISMISSAL OF APPEAL
(By: Ginoza, J.)

Upon consideration of Defendant-Appellant Kenneth McArdle's Motion for Dismissal of Appeal, the papers in support, and the records and files herein, it appears that Defendant-Appellant's signature on the declaration in support of the motion does not comply with Rule 5 of the Hawai'i Electronic Filing & Service Rules (HEFSR).

Therefore, IT IS HEREBY ORDERED that the Motion for Dismissal of Appeal is denied without prejudice to a subsequent motion and declaration in support that complies with Hawai'i Rules of Appellate Procedure Rule 42 and HEFSR Rule 5.

DATED: Honolulu, Hawai'i, February 14, 2011.

Associate Judge