

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 30431

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
ALAN KLASK, Defendant-Appellant

KHAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2010 AUG 12 AM 8:25

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CR. NO. 09-1-0338)

ORDER

(By: Fujise, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of "Defendant-Appellant's Motion to Dismiss Appeal From Judgment Guilty Conviction and Sentence," the papers in support, and the records and files herein, it appears that: (1) on March 17, 2010, the Circuit Court of the Fifth Circuit entered a judgment of conviction and sentenced Defendant-Appellant Alan Klask (Appellant) to 50 hours of community service; (2) on April 6, 2010, Appellant filed a notice of appeal; (3) according to the declaration of Rosa Flores, Counsel for Appellant, she attempted to contact Appellant, who has no local address, regarding the appeal by leaving messages on Appellant's cell phone; (4) in early June, Appellant called Counsel and informed her that he completed his community service and no longer wished to appeal; (5) Counsel informed Appellant she would withdraw the appeal, but Appellant had to remain in contact until the withdrawal papers were finalized; (6) Counsel made multiple efforts to contact Appellant in June and July without success; (7) Counsel verifies that Appellant no longer wants to pursue the appeal; and (8) as required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(c), Counsel's declaration

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demonstrates that Appellant wants to withdraw his appeal and that Counsel made a diligent effort to contact Appellant regarding the dismissal. Therefore,

IT IS HEREBY ORDERED that "Defendant-Appellant's Motion to Dismiss Appeal From Judgment Guilty Conviction and Sentence" is granted, and this appeal is dismissed pursuant to HRAP Rule 42(c).

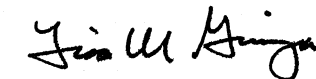
DATED: Honolulu, Hawai'i, August 12, 2010.

On the motion:

Rosa Flores,
for Defendant-Appellant.


Presiding Judge


Associate Judge


Associate Judge