

NO. 30454

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
ROBERT PAUOLE PA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5P108-01538)

ORDER GRANTING DEFENDANT-APPELLANT'S MOTION TO DISMISS APPEAL
(By: Fujise, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the Motion of Defendant-Appellant Robert Pa to Dismiss Appeal, the papers in support, and the records and files herein, it appears that: (1) on April 9, 2010, Appellant filed a notice of appeal; (2) Appellant informed his attorney, Mark Zenger, Esq., that he no longer wishes to pursue his appeal and he wants to dismiss the appeal; (3) Mr. Zenger explained to Appellant the consequences of dismissing the appeal; (4) Mr. Zenger asked Appellant to sign a declaration that Appellant understood the consequences of dismissing the appeal and that the dismissal was voluntary; and (5) Appellant informed Mr. Zenger he was not available to sign a declaration and declined Mr. Zenger's request that he provide a forwarding address, but reiterated that he wanted to dismiss the appeal.

Therefore,

IT IS HEREBY ORDERED that the motion to dismiss the appeal is granted, and this appeal is dismissed pursuant to Rule 42 of the Hawai'i Rules of Appellate Procedure.

DATED: Honolulu, Hawai'i, November 10, 2010.

Presiding Judge

Associate Judge

Associate Judge