

NO. CAAP-11-0000425

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

KENNETH JELKS, Petitioner-Appellant
v.
HAWAII PAROLING AUTHORITY, STATE OF HAWAI'I,
Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 05-1-0061 (CR. NO. 94-0257))

ORDER GRANTING JULY 28, 2011 MOTION TO DISMISS APPEAL
(By: Nakamura, Chief Judge, Foley and Reifurth, JJ.)

Upon review of (1) Petitioner-Appellant Kenneth Jelks' (Appellant) July 28, 2011 "Motion to Withdraw Appeal Pursuant to Res Judicata Case Status," which we deem to be a motion to dismiss Appeal No. CAAP-11-0000425, and (2) the record, it appears that Appellant seeks to dismiss his appeal, filed May 23, 2011, from the Honorable Richard K. Perkins' March 24, 2006

decision and order dismissing Appellant's petition for post-conviction relief pursuant to Rule 40 of the Hawai'i Rules of Penal Procedure.

Appellant's motion is filed pro se and, as such, appears to reflect a knowing and intelligent understanding of the consequences of the dismissal, and that it is made voluntarily pursuant to Rule 42 of the Hawai'i Rules of Appellate Procedure (HRAP). Accordingly,

IT IS HEREBY ORDERED that Appellant's July 28, 2011 motion to dismiss Appeal No. CAAP-11-0000425 is granted and this appeal is dismissed pursuant to HRAP Rule 42.

DATED: Honolulu, Hawai'i, August 15, 2011.

Chief Judge

Associate Judge

Associate Judge