

**Electronically Filed
Intermediate Court of Appeals
CAAP-11-0000320
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NO. CAAP-11-0000320

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
MARTY MARTINS, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5DTP-10-001766)

ORDER DISMISSING APPEAL

(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

- (1) Defendant-Appellant Marty Martins (Appellant), who was representing himself, filed a notice of appeal on April 6, 2011;
- (2) on November 29, 2011, Deputy Prosecuting Attorney Tracy Murakami informed the court that Appellant passed away and has not requested a substitution; (3) on January 17, 2012, this court in Appeal No. CAAP-11-101, State v. Martins, another appeal involving Appellant, issued an order dismissing the appeal because there was no person to serve as substitute party under

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

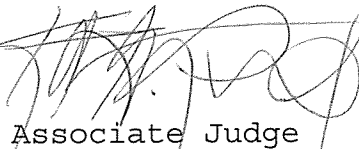
Hawai'i Rules of Appellate Procedure (HRAP) Rule 43(a); and
(4) as Appellant was representing himself in the present appeal,
there is no person to serve as a substitute party under HRAP Rule
43(a). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed.

DATED: Honolulu, Hawai'i, January 25, 2012.


Presiding Judge


Associate Judge


Associate Judge