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Intermediate Court of Appeals
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NO. 30247

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

FAUSTINO V. ABADILLA,
Petitioner-Appellant,

v.

STATE OF HAWAII,
Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(S.P.P. NO. 09-1-0002)

ORDER DISMISSING APPEAL AS MOOT

(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Petitioner-Appellant Faustino Abadilla (Abadilla) appeals from the "Findings of Fact, Conclusions of Law and Order Denying Petitioner's May 28, 2009 Petition for Post-Conviction Relief (Rule 40, HRPP)," entered December 2, 2009 in the Circuit Court of the Third Circuit.¹

Abadilla's "Petition for Post Conviction Relief (Rule 40, HRPP)" and appeal challenge the terms of his minimum terms of

¹ The Honorable Greg K. Nakamura presided.

imprisonment fixed by the Hawai'i Paroling Authority.² All of Abadilla's minimum terms of imprisonment have expired.

Therefore, this appeal is moot, and IT IS HEREBY ORDERED dismissed.

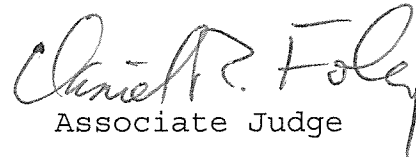
DATED: Honolulu, Hawai'i, September 11, 2012.

On the briefs:

Brian J. De Lima
Francis R. Alcain
(Crudele & De Lima)
for Petitioner-Appellant.


Chief Judge

Diane K. Taira
Deputy Attorney General
for Respondent-Appellee.


Associate Judge


Associate Judge

² Respondent-Appellee State of Hawai'i argues that the expiration of Abadilla's minimum terms was properly calculated based on State v. Tauiiliili, 96 Hawai'i 195, 29 P.3d 914 (2001). See State v. Garcia, 125 Hawai'i 429, 263 P.3d 709 (2010) (applying the Tauiiliili decision retroactively).