

**Electronically Filed
Intermediate Court of Appeals
CAAP-12-0001029
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NO. CAAP-12-0001029

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
RODNEY A. HERBERT, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CR. NOS. 12-1-0143(1) and 12-1-0363(1))

ORDER GRANTING DEFENDANT-APPELLANT'S
JULY 15, 2013 MOTION TO WITHDRAW AND DISMISS APPEAL
(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Upon consideration of "Appellant's Motion to Withdraw and Dismiss Appeal," filed July 15, 2013, by Defendant-Appellant Rodney A. Herbert (Appellant), through counsel Benjamin E. Lowenthal, the papers in support, the record, and there being no opposition, it appears that Appellant seeks to dismiss this docketed appeal, and Appellant executed a declaration, consistent with Hawaii Rules of Appellate Procedure (HRAP) Rule 42(c), that reflects a knowing and intelligent understanding of the consequences of the dismissal of the appeal and that the withdrawal is made voluntarily. Therefore,

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IT IS HEREBY ORDERED that the motion to withdraw and dismiss the appeal is granted and the appeal is dismissed, pursuant to HRAP Rule 42(b) and (c).

DATED: Honolulu, Hawai'i, August 1, 2013.



Chief Judge



Associate Judge



Associate Judge