

NO. CAAP-13-0003877

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

RICHARD MICHAEL RUH, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(S.P.P. NO. 13-1-0003(2); CR. NO. 94-0092(1))

ORDER GRANTING THE APRIL 10, 2014 MOTION TO WITHDRAW APPEAL
(By: Nakamura, Chief Judge, Fujise and Leonard, JJ.)

Upon consideration of the motion to withdraw appeal
(Motion) filed on April 10, 2014 by Petitioner-Appellant Richard
Ruh (Appellant), the records and files herein, and noting no
timely filed opposition, it appears that:

(1) Rule 42 of the Hawai'i Rules of Appellate

Procedure (HRAP) applies to dismissals of appeals and states:

(a) Dismissal before the appeal is docketed. If an appeal has not
been docketed, the appeal shall be dismissed upon the filing of a
stipulation for dismissal signed by all the parties. Upon motion and
notice by the appellant, the appellate court may dismiss the appeal upon
terms fixed by the court.

(b) Dismissal in the appellate courts. If the parties to a
docketed appeal or other proceeding sign and file a stipulation for
dismissal, specifying the terms as to payment of costs, and pay whatever
fees are due, the case shall be dismissed upon approval by the appellate
court, but no mandate or other process shall issue without an order of
the court. Upon motion and notice, the appellate court may dismiss the
appeal upon terms fixed by the appellate court.

(c) Special requirements for criminal appeals. In a criminal appeal by a defendant, the stipulation or motion for dismissal of the appeal shall be supported by the defendant's affidavit or declaration that reflects a knowing and intelligent understanding of the consequences of the dismissal of the appeal and that the withdrawal is made voluntarily. In circumstances where the defendant cannot be located after a diligent effort, the circumstances of the effort shall be set forth in an affidavit or declaration of counsel in support of the stipulation or motion.

(2) The appeal has been docketed, and it appears that Appellant seeks to dismiss the appeal consistent with HRAP Rule 42. Therefore,

IT IS HEREBY ORDERED that the Motion is granted, and the appeal is dismissed. The parties shall bear their own appellate costs and fees.

DATED: Honolulu, Hawai'i, April 28, 2014.

Chief Judge

Associate Judge

Associate Judge