

NO. CAAP-15-0000065

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

KEVIN T. WILSON, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 15-1-0002; CR. NO. 14-1-0187)

ORDER GRANTING IN PART THE JUNE 22, 2015 MOTION TO DISMISS
(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon consideration of the Motion to Dismiss (Motion), filed June 22, 2015, by Petitioner-Appellant Kevin T. Wilson (Appellant), pro se, the papers in support, and the record, it appears that (1) the appeal was docketed March 12, 2015; (2) Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(b) authorizes the court to dismiss a docketed appeal upon a motion; and (3) Appellant seeks to dismiss this appeal from the circuit court's denial of his petition for post-conviction relief without

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prejudice because he filed the petition, and this appeal, under the mistaken belief that his court-appointed counsel did not file a notice of appeal in his underlying criminal conviction, when in fact counsel filed a notice of appeal and the appeal is pending.

Therefore, IT IS HEREBY ORDERED that the Motion is granted in part and the appeal is dismissed.

DATED: Honolulu, Hawai'i, June 24, 2015.

Presiding Judge

Associate Judge

Associate Judge