

NO. CAAP-16-0000091

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
ROBERT MCCLURG, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT  
(CASE NO. 5DCC-15-0000251)

ORDER APPROVING THE MARCH 14, 2016  
STIPULATION TO WITHDRAW NOTICE OF APPEAL  
(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon consideration of the "Stipulation to Withdraw Notice of Appeal (to Correct Sentence)," filed March 14, 2016, by Plaintiff-Appellee State of Hawai'i, the papers in support, and the record, it appears that (1) the appeal has not been docketed; (2) the parties stipulate to withdraw the notice of appeal, filed February 19, 2016, which the court construes as a stipulation to dismiss the appeal, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(a); (3) the stipulation is dated and signed by Defendant-Appellant Robert McClurg (Appellant) and counsel for all parties appearing in the appeal; and (4) the stipulation includes Appellant's declaration showing he understands the consequences of voluntary dismissal, consistent with HRAP Rule 42(c).

Therefore, IT IS HEREBY ORDERED that the stipulation is approved and the appeal is dismissed.

DATED: Honolulu, Hawai'i, March 30, 2016.

Presiding Judge

Associate Judge

Associate Judge