

NO. CAAP-16-0000519

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

JOSEPH P. PURTELL, JR., Petitioner-Appellant,  
v.  
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(S.P.P. NO. 14-1-0011, CR. NO. 98-1051)

ORDER GRANTING THE JUNE 19, 2017 MOTION  
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the document filed June 19, 2017, by Petitioner-Appellant Joseph P. Purtell, Jr. (Appellant), pro se, which the court construes as a motion to dismiss the appeal, pursuant to Hawaii Rules of Appellate Procedure Rule 42(b) (Motion), the papers in support, and the record, it appears that:

(1) This appeal was docketed on September 10, 2016;

(2) Appellant seeks to dismiss the appeal;

(3) On June 20, 2017, the court granted Respondent-Appellee State of Hawaii's (Appellee) June 13, 2017 Motion to Seal Records on Appeal. Among other things, the court ordered the appellate clerk to seal parts 1 and 2 of the record on

appeal, and Appellee and the Clerk of the Circuit Court of the First Circuit (circuit court clerk) to take certain actions to bring the record on appeal into compliance with Hawai'i Court Records Rules Rule 9, within a certain number of days after the court entered the order; and

(4) The appellate clerk sealed parts 1 and 2 of the record on appeal. Appellee and the circuit court clerk have not complied with the June 20, 2017 order, although the time to do so has not yet expired.

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

IT IS FURTHER ORDERED that Appellee's and the circuit court clerk's obligations under the June 20, 2017 order shall continue until completion notwithstanding the appeal being dismissed.

IT IS FURTHER ORDERED that the appellate clerk shall serve a copy of this order on the circuit court clerk and Calvin Ching, Deputy Chief Court Administrator, First Circuit Court.

DATED: Honolulu, Hawai'i, June 23, 2017.

Presiding Judge

Associate Judge

Associate Judge