

NO. CAAP-16-0000877

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

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
SOLOMON D.M. BATTLE, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 13-1-0002)

ORDER (1) REGARDING RESPONSE TO ORDER TO SHOW CAUSE AND
(2) GRANTING THE OCTOBER 19, 2017 MOTION TO DISMISS APPEAL
(By: Nakamura, Chief Judge, Fujise and Chan, JJ.)

Upon consideration of Marcus B. Sierra's (Counsel) October 13, 2017 declaration in response to the October 6, 2017 order to show cause, Defendant-Appellant Solomon D.M. Battle's (Appellant) October 19, 2017 "Motion for HRAP Rule 42(b) Dismissal of Appeal" (Motion), the papers in support, and the record, it appears that (1) Counsel provided an explanation of why he should not be sanctioned for failure to file the opening brief or request an extension of time; (2) the appeal was docketed on February 18, 2017; (3) pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 42(b), Appellant seeks to dismiss the appeal; (4) the Motion includes Appellant's declaration showing he understands the consequences of voluntary dismissal,

consistent with HRAP Rule 42(c); and (5) dismissal is authorized by HRAP Rule 42(b) and (c).

Therefore, IT IS HEREBY ORDERED that the court will take no further action on the October 6, 2017 order to show cause.

IT IS FURTHER ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, October 27, 2017.

Chief Judge

Associate Judge

Associate Judge