

NO. CAAP-17-0000624

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

JAMES K. LIBERO, Petitioner-Appellant,  
v.  
STATE OF HAWAII, Respondent-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(S.P.P. NO. 17-1-0013(2))

ORDER GRANTING THE NOVEMBER 9, 2017 MOTION TO WITHDRAW APPEAL  
(By: Nakamura, Chief Judge, Fujise and Chan, JJ.)

Upon consideration of the Motion to Withdraw Appeal (motion), filed on November 9, 2017 by Petitioner-Appellant James K. Libero, pro se, and the files herein, this court construes the motion as a motion to withdraw his appeal from the August 4, 2017 Findings of Fact, Conclusions of Law, and Judgment Denying Petition to Vacate, Set Aside or Correct Judgment or to Release Petitioner from Custody which denied his "Amendment and Withdrawal of Petition," a non-conforming Petition, pursuant to Rule 40 of the Hawai'i Rules of Penal Procedure (HRPP).<sup>1/</sup>

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<sup>1/</sup> If appellant did not intend to withdraw his appeal, he should timely file a motion for reconsideration from this order explaining the purpose for his motion.

IT IS HEREBY ORDERED that the motion is granted and the appeal is dismissed. All pending motions are dismissed as moot.

DATED: Honolulu, Hawai'i, December 8, 2017.

Chief Judge

Associate Judge

Associate Judge