

NO. CAAP-17-0000885

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,  
v.  
CORY WAIALEALE, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
(CR. NO. 15-1-0455)

ORDER APPROVING THE JANUARY 24, 2018  
STIPULATION TO DISMISS APPEAL

(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the Stipulation to Dismiss Appeal (Stipulation), filed January 24, 2018, by Defendant-Appellant Cory Waialeale (Waialeale), it appears that:

- (1) The appeal has been docketed;
- (2) The Stipulation states that the parties stipulate to dismiss the appeal, pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rules 42(b) and (c);
- (3) The stipulation is not signed by counsel for Appellee State of Hawai'i, but it is signed by Waialeale's counsel, and it includes Waialeale's declaration showing he understands the consequences of voluntary dismissal, consistent with HRAP Rule 42(c). Therefore, the court construes the stipulation as a motion to dismiss the appeal; and
- (4) Because the appeal has been docketed, dismissal is authorized by HRAP Rules 42(b) and (c).

Therefore, IT IS HEREBY ORDERED that the motion to dismiss the appeal is granted, and the appeal is dismissed.

DATED: Honolulu, Hawai'i, February 15, 2018.

Presiding Judge

Associate Judge

Associate Judge