

NO. CAAP-19-0000808

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
LORENZO PELAYO, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 1CPC-18-0001245)

ORDER GRANTING IN PART MOTION TO WITHDRAW APPEAL
(By: Ginoza, Chief Judge, Chan and Hiraoka, JJ.)

Upon consideration of Defendant-Appellant Lorenzo Pelayo's (Pelayo) February 4, 2020 Motion to Withdraw Appeal, the papers in support, and the record, it appears that (1) the appeal has been docketed; (2) Pelayo seeks to dismiss the appeal without prejudice, under Hawai'i Rules of Appellate Procedure Rule 42(b); and (3) there appears to be good cause to dismiss the appeal.¹

Therefore, IT IS HEREBY ORDERED that the motion is granted in part, and the appeal is dismissed.

DATED: Honolulu, Hawai'i, February 14, 2020.

Chief Judge

Associate Judge

Associate Judge

¹ We note that the purported declaration of counsel, which is "[a]pproved to form" by Pelayo, does not meet the requirements of Rule 42(c) of the Hawai'i Rules of Appellate Procedure. We dismiss the appeal because the appeal was filed before a sentence was entered and thus we lack appellate jurisdiction.