

NO. 23301

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

MARK G. SWANN, Defendant-Appellant
(NO. 23301 (CR. NO. 97-156))

STATE OF HAWAII, Plaintiff-Appellee

vs.

MARK G. SWANN, Defendant-Appellant
(NO. 23302 (CR. NO. 96-049))

APPEAL FROM THE THIRD CIRCUIT COURT
(CR. NOS. 97-156 & 96-049)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of Defendant-Appellant Mark G. Swann's motion to withdraw his appeal, the papers in support, and the records and files herein, it appears that: (1) Appellant states that he has been fully advised by his attorney and has a clear understanding of his right to appeal and the consequences of withdrawal and dismissal of his appeal; and (2) Appellant states that he knowingly, intelligently and voluntarily wishes to withdraw his appeal and have the appeal dismissed. Therefore,

IT IS HEREBY ORDERED that the motion is granted, and
this appeal is dismissed pursuant to HRAP Rule 42(c).

DATED: Honolulu, Hawai'i, December 18, 2000.

Nathan R. Brenner for
defendant-appellant
on the motion.