

NO. 23777

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee

vs.

BENJAMIN JOHN DETROY, Defendant-Appellant

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CR. NO. 97-3169)

SUMMARY DISPOSITION ORDER

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

Defendant-appellant Benjamin John Detroy appeals from the judgment of the first circuit court, the Honorable Dexter Del Rosario presiding, in favor of plaintiff-appellee State of Hawai'i [hereinafter, the prosecution]. Detroy appeals from the circuit court's final judgment, filed on August 30, 2000, granting the prosecution's motion for revocation of probation and resentencing.

Based on our decision in State v. Detroy, 102 Hawai'i 13, 72 P.3d 485 (2003), in which this court vacated the conviction on which the sentence of probation was based, the appeal in the instant case is moot. Therefore,

IT IS HEREBY ORDERED that Detroy's appeal is dismissed  
as moot.

DATED: Honolulu, Hawai'i, April 27, 2004.

On the briefs:

Rose Anne Fletcher,  
Deputy Public Defender,  
for defendant-appellant  
Benjamin John Detroy

James M. Anderson,  
Deputy Prosecuting Attorney,  
for plaintiff-appellee  
State of Hawai'i