

NO. 24756

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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KENITI MISELE MOALA, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

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APPEAL FROM THE FIRST CIRCUIT COURT  
(S.P.P. NO. 01-1-0012)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of Respondent-Appellee State of Hawaii's motion to dismiss Petitioner-Appellant Keniti Misele Moala's appeal as moot, the papers in support and opposition, and the records and files herein, it appears that: (1) Appellant is appealing from a requirement set by the Hawaii Paroling Authority (HPA) that Appellant participate in sex offender treatment prior to release on parole; (2) on November 7, 2002, the HPA released Appellant on parole to the custody of the Immigration and Naturalization Service for deportation; (3) although the order of parole contains some conditions, Appellant is not required to participate in sex offender treatment; (4) on November 21, 2002, a final order of deportation was ordered and Appellant is awaiting deportation to Tonga; (5) inasmuch as Appellant was released on parole and is not required to participate in sex offender treatment, he obtained the relief he sought in this

case; and (6) the instant appeal is moot. See Carl Corporation v. State Dept. of Education, 93 Hawai'i 155, 164, 997 P.2d 567, 576 (2000) (the mootness doctrine is properly invoked where events have so affected the relations between the parties that the two conditions relevant to an appeal -- adverse interest and effective remedy -- may have been compromised); AIG Hawai'i Ins. Co. v. Bateman, 82 Hawai'i 453, 459, 923 P.2d 395, 401 (1996) (it is the duty of the supreme court to decide actual controversies by a judgment that can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law that cannot affect the matter at issue in the case before it). Therefore,

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

DATED: Honolulu, Hawai'i, December 23, 2002.