

NO. 25272

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII, Plaintiff-Appellee,

vs.

ALGERIA HARDING, Defendant-Appellee.

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APPEAL FROM THE FIRST CIRCUIT COURT  
(FC-CR. NO. 02-1-1814)

ORDER GRANTING MOTION TO DISMISS APPEAL  
(By: Moon, C.J., Levinson, Nakayama, and  
Acoba, JJ., and Circuit Judge Nakea,  
assigned by reason of vacancy)

Upon consideration of the Office of the Public Defender's motion for an order dismissing the appeal of Defendant-Appellant Algeria Harding, the papers in support, and the records and files herein, it appears that: (1) on August 21, 2002, the Office of the Public Defender notified Appellant that a notice of appeal was filed on her behalf and that she had to remain in contact with her attorney to discuss the appeal and the issues that would be raised on appeal; (2) Appellant did not respond to telephone calls or letters from appellate counsel; (3) two certified letters sent to Appellant's last known address were returned as undeliverable; (4) Appellant failed to appear for two court appearances, and a bench warrant was issued; and (5) Appellant's failure to remain in contact with her attorney and her failure to appear in court indicate that Appellant has abandoned her appeal. Therefore,

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

DATED: Honolulu, Hawai'i;