

NO. 25950

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BRIAN LUTON, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P. NO. 03-1-0158)

ORDER GRANTING EX PARTE MOTION
TO WITHDRAW APPEAL PURSUANT TO HRAP RULE 42
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Appellant Brian Luton's ex parte motion to withdraw appeal, the papers in support, and the records and files herein, it appears that Appellant, who is representing himself, seeks to withdraw his appeal. Therefore,

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

DATED: Honolulu, Hawai'i, October 28, 2003.

Brian Luton,
petitioner-appellant
pro se, on the motion