

NO. 26089

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

WAYNE ROBYN, Defendant-Appellant

APPEAL FROM THE FIFTH CIRCUIT COURT
(CR. NO. 00-01-0054)

ORDER GRANTING MOTION OF DEFENDANT-
APPELLANT TO VOLUNTARILY WITHDRAW APPEAL

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

Upon consideration of Defendant-Appellant Wayne Robyn's motion to voluntarily withdraw his appeal, the papers in support, and the records and files herein, it appears that: (1) Appellant is appealing from the judgment, guilty conviction, and sentence entered on August 21, 2003; and (2) in his signed declaration, Appellant states that he is incarcerated, he understands that he has a right to an appeal, and after fully discussing the matter with his attorney, he knowingly and voluntarily seeks withdrawal of his appeal. Therefore,

IT IS HEREBY ORDERED that Defendant-Appellant's motion to voluntarily withdraw appeal is granted, and this appeal is dismissed pursuant to HRAP Rule 42(c).

DATED: Honolulu, Hawaii, January 8, 2004.

Mark R. Zenger
for defendant-
appellant on the
motion