

NO. 27751

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CENTRAL APPELLATE COURTS
STATE OF HAWAII
E.M. RIMANDO

2007 JUL 24 AM 11:23

FILED

STATE OF HAWAII, Plaintiff-Appellee, v.
LAURA M. KAUWE, Defendant-Appellant, and
ABRAHAM K. KAUWE, JR., Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(Cr. No. 04-1-0062)

ORDER OF DISMISSAL

(By: Foley, Presiding Judge, Nakamura and Fujise, JJ.)

Upon consideration of "Defendant-Appellant Laura Kauwe's [(Laura Kauwe)] Motion to Dismiss Appeal as Moot, Vacate Original Judgment of Conviction, and Dismiss all Related Criminal Proceedings" filed on July 13, 2007 by counsel for Laura Kauwe, the papers in support, the attachments thereto, and the records and files herein, it appears that Laura Kauwe died on April 30, 2007 and a motion for substitution of a proper party defendant-appellant pursuant to Hawai'i Rules of Appellate Procedure Rule 43(a) will not be filed. Therefore,

IT IS HEREBY ORDERED that, pursuant to State v Makaila, 79 Hawai'i 40, 45, 897 P.2d 967, 972 (1995), the appeal of Defendant-Appellant Laura Kauwe is dismissed as moot, her underlying judgment of conviction is vacated, and the criminal proceedings against her are dismissed. The appeal of Defendant-Appellant Abraham K. Kauwe, Jr. remains pending for disposition.

DATED: Honolulu, Hawai'i, July 24, 2007.

On the motion:

James S. Tabe,
Deputy Public Defender,
for Defendant-Appellant
Laura M. Kauwe.

Daniel R. Foley
Presiding Judge

Craig H. Nakamura
Associate Judge

Ausa O. Fujimura
Associate Judge