

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 27751

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

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

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 AUG 22 PM 2: 24

FILED

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

ORDER

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

Upon consideration of: (1) Plaintiff-Appellee State of Hawaii's (State) motion for reconsideration of the July 24, 2007 Order of Dismissal; (2) Plaintiff-Appellee State of Hawaii's response to the order to show cause; and (3) Defendant-Appellant Laura Kauwe's (Kauwe) response to the order to show cause, it appears that: (1) Kauwe died on April 30, 2007 and (2) according to Kauwe's attorney, Kauwe's family members did not express interest in continuing the appeal. Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is granted and the order of dismissal is vacated. See State v. Makaila, 79 Hawaii 40, 45-46, 897 P.2d 967, 972-973 (1995).

IT IS FURTHER ORDERED that within ten days from the date of this order, James S. Tabe, counsel for Kauwe, shall file either: (a) a motion to substitute Kauwe's personal representative or her counsel in place of Kauwe or (b) a motion for dismissal of Kauwe's appeal.

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IT IS FINALLY ORDERED that counsel for the State and counsel for Kauwe are admonished to carefully review the rules of court and to review their own documents for accuracy and completeness before filing. No further action on the Order to Show Cause will be taken.

DATED: Honolulu, Hawai'i, August 22, 2007.

On the motion:

Gary K. Senaga,
Deputy Attorney General,
for Plaintiff-Appellee


Presiding Judge


Associate Judge


Associate Judge