

FILED

2008 OCT 24 AM 8:31

EM. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

NO. 26942

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
CHESTER DENOON, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(Cr. No. 03-1-0082)

ORDER GRANTING MOTION TO DISMISS APPEAL AS MOOT  
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon consideration of: (1) Defendant-Appellant Chester DeNoon's (DeNoon) Response to the Intermediate Court of Appeals' Order to Show Cause and Sua Sponte Motion to Dismiss Appeal as Moot filed on October 13, 2008; (2) Plaintiff-Appellee State of Hawai'i's Response to Order to Show Cause Issued October 1, 2008 filed on October 16, 2008; and (3) the records and files herein, it appears that: (1) in his appeal, DeNoon is challenging Special Condition 7 of his term of probation; (2) DeNoon's probation expired on July 27, 2008; (3) DeNoon now moves to dismiss the appeal as moot, and (4) the State has no objection.

Therefore,

IT IS HEREBY ORDERED that DeNoon's motion to dismiss his appeal as moot is granted, and this appeal is dismissed.

DATED: Honolulu, Hawai'i, October 24, 2008.

*Corinne K.A. Watanabe*  
Presiding Judge

*Alan O. Fujim*  
Associate Judge

*[Signature]*  
Associate Judge