

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 29072

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,

v.

KALEO FARIAS-KAPUA, Defendant-Appellant.

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 AUG 25 PM 1:22

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1P107-09012)

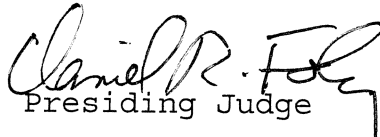
ORDER GRANTING MOTION TO DISMISS APPEAL

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

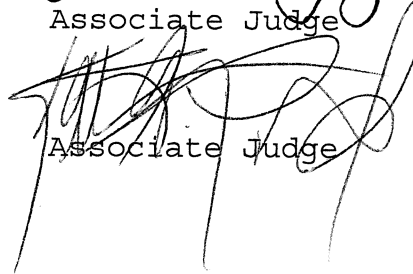
Upon consideration of the Office of the Public Defender's Motion for Order of Dismissal of Appeal, the papers in support, and the records and files herein, the record shows the following: (1) on February 21, 2008, Defendant-Appellant Kaleo Farias-Kapua (Appellant) was convicted of harassment in the District Court of the First Circuit; (2) on March 20, 2008, the Office of the Public Defender filed a notice of appeal on behalf of Appellant; (3) the Office of the Public Defender has been unable to contact Appellant at the three telephone numbers he provided; (4) Appellant's former employer stated that Appellant was no longer employed and he did not know Appellant's contact information; (5) mail sent to Appellant at his last known address was returned to the Office of the Public Defender with a notation that Appellant moved; and (6) Appellant has not informed the Office of the Public Defender of his whereabouts, and it appears he has abandoned his appeal. Therefore,

IT IS HEREBY ORDERED that the Motion for Order of Dismissal of Appeal is granted, and this appeal is dismissed pursuant to Rule 42(c) of Hawai'i Rules of Appellate Procedure.

DATED: Honolulu, Hawai'i, August 25, 2008.


Presiding Judge


Associate Judge


Associate Judge