

NO. 27046

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee
vs.
UIESE MOETOTO, Defendant-Appellant

EM. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2005 MAY 16 PM 2:35

FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 04-1-0204)

ORDER GRANTING DEFENDANT-APPELLANT'S
SECOND MOTION TO WITHDRAW APPEAL

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

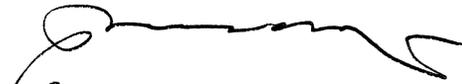
Upon consideration of Defendant-Appellant Uiese Moetoto's second motion to withdraw appeal, the papers in support, and the records and files herein, it appears that: (1) Appellant states he signed a statement that he did not wish to continue his appeal; (2) he voluntarily and of his own free will instructed his attorney to withdraw his appeal; (3) his attorney explained that once he withdraws the appeal his case will be terminated and cannot be renewed; and (4) he has a full understanding of the consequences of withdrawing his appeal. Therefore,

IT IS HEREBY ORDERED that the motion to withdraw appeal is granted, and this appeal is dismissed pursuant to HRAP Rule 42(c).

DATED: Honolulu, Hawai'i, May 16, 2005.

JohnAaron M. Jones
for defendant-appellant
on the motion





Kama E. Duffy, Jr.