

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27149

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

MICKEY A. MADDOX, Petitioner-Appellant
v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(S.P.P. NO. 04-1-0030(3))
(CR. NO. 94-0496(3))

ORDER DENYING MOTION FOR RECONSIDERATION OF STAY;
GRANTING MOTION TO WITHDRAW APPEAL; AND DISMISSING APPEAL
(By: Burns, C.J., Lim and Foley, JJ.)

Upon consideration of: (1) Petitioner-Appellant Mickey A. Maddox's (a) motion for reconsideration of the November 21, 2006 order denying Appellant's motion to stay execution of appeal and (b) alternative motion to withdraw his appeal; (2) the papers in support; and (3) the records and files herein,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

IT IS FURTHER ORDERED that Appellant's alternative motion to withdraw his appeal is granted, and this appeal is dismissed.

DATED: Honolulu, Hawai'i, December 8, 2006.

James A. Burns
Chief Judge

[Signature]
Associate Judge

Daniel R. Foley
Associate Judge

KHAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED