

NO. 28611

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
DAVID MARTIN, Defendant-Appellant

C.M. RIMANDO
CHIEF, APPELLATE COURTS
STATE OF HAWAII

2007 AUG 31 AM 9:50

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CR. NO. 04-1-0331)

ORDER GRANTING REQUEST TO WITHDRAW APPEAL
(By: Recktenwald, C.J., for the court)¹

Upon consideration of Defendant-Appellant David Jason Martin's letter dated August 22, 2007 stating he wants to withdraw his appeal, the papers in support, and the records and files herein, it appears that: (1) Appellant has a criminal case pending in the Circuit Court of the Fifth Circuit and is represented by counsel in that proceeding; (2) on June 25, 2007, Appellant, proceeding pro se, filed a notice of appeal; (3) on August 22, 2007, Appellant wrote to the court asking to withdraw his appeal; (4) Appellant's case remains pending in the circuit court. Therefore;

IT IS HEREBY ORDERED that Appellant's request to withdraw his appeal is granted, and this appeal is dismissed. This dismissal does not preclude Appellant from filing a new notice of appeal in accordance with HRAP Rule 4(b) after the pending circuit court case is resolved.

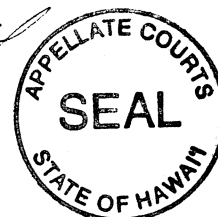
DATED: Honolulu, Hawai'i, August 31, 2007.

On the motion:

David Martin,
Defendant-Appellant, pro se.

Ma E. Recktenwald

Chief Judge



¹ Considered by Recktenwald, C.J., Watanabe and Nakamura, JJ.