

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27751

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
LAURA M. KAUWE, Defendant-Appellant, and  
ABRAHAM K. KAUWE, JR., Defendant-Appellant

K. HAMAKA'DO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2007 SEP 28 AM 10:11

FILED

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(Cr. No. 04-1-0062)

ORDER GRANTING IN PART "DEFENDANT-APPELLANT LAURA KAUWE'S  
SECOND MOTION TO DISMISS APPEAL AS MOOT, VACATE ORIGINAL  
JUDGMENT OF CONVICTION, AND DISMISS ALL RELATED CRIMINAL  
PROCEEDINGS" AND DENYING "PLAINTIFF-APPELLEE STATE OF  
HAWAI'I'S MOTION FOR SUBSTITUTION OF PARTY DEFENDANT"

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

Upon consideration of: (1) Defendant-Appellant Laura Kauwe's (Laura) Second Motion to Dismiss Appeal as Moot, Vacate Original Judgment of Conviction, and Dismiss All Related Criminal Proceedings; (2) Plaintiff-Appellee State of Hawai'i's Memorandum in Opposition to Defendant-Appellant Laura Kauwe's Second Motion to Dismiss Appeal as Moot, Vacate Original Judgment of Conviction, and Dismiss All Related Criminal Proceedings; (3) Plaintiff-Appellee State of Hawai'i's Motion for Substitution of Party Defendant and (4) the records and files herein, it appears that a suggestion of death has been filed by Laura's counsel in this direct appeal from a judgment of conviction entered against Laura. Therefore,

IT IS HEREBY ORDERED that Defendant-Appellant Laura Kauwe's Second Motion to Dismiss Appeal as Moot, Vacate Original Judgment of Conviction, and Dismiss All Related Criminal Proceedings is granted as to the appeal only. The original judgment of conviction as to Laura Kauwe entered by the Circuit Court of the Third Circuit on February 2, 2006 and all related criminal proceedings stands. The appeal of Defendant-Appellant Abraham K. Kauwe, Jr. remains pending for disposition.

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IT IS FURTHER ORDERED that Plaintiff-Appellee State of Hawai'i's Motion for Substitution of Party Defendant is denied.

DATED: Honolulu, Hawai'i, September 28, 2007.

On the motions:

James S. Tabe,  
Deputy Public Defender,  
for Defendant-Appellant

  
Presiding Judge

Gary K. Senaga,  
Deputy Attorney General,  
for Plaintiff-Appellee

  
Associate Judge

  
Associate Judge