

NO. 28520

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

STATE OF HAWAI'I,
Plaintiff-Appellee,

v.

RANDALL CRUZ,
Defendant-Appellant.

EMERSON ANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 OCT 29 PM 3:43

FILED

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CR. NO. 02-1-0405)

ORDER GRANTING DEFENDANT-APPELLANT
RANDALL CRUZ'S MOTION FOR DISMISSAL OF APPEAL
(By: Recktenwald, C.J., Watanabe and Nakamura, JJ.)

Upon consideration of the motion of Defendant-Appellant Randall Cruz's (Appellant) to dismiss his appeal, the papers in support, and the records and files herein, it appears that: (1) on April 26, 2007, Appellant filed a notice of appeal; (2) in the declaration appended to the motion for dismissal of his appeal, Appellant states: (a) his attorney explained the consequences of dismissal of the appeal; (b) dismissing his appeal means he will no longer have the right to pursue reversal of the court decision to revoke probation and to resentence Appellant to 10 years of incarceration; (c) Appellant wants to dismiss his appeal; and (3) Appellant's declaration complies with the requirements of HRAP Rule 42(c). Therefore,

IT IS HEREBY ORDERED that Appellant's motion for dismissal of the appeal is granted, and this appeal is dismissed pursuant to HRAP Rule 42(c).

DATED: Honolulu, Hawai'i, October 29, 2007.



Chief Judge



Associate Judge



Associate Judge