

Electronically Filed
Intermediate Court of Appeals
CAAP-13-0005801
15-APR-2014
09:01 AM

NO. CAAP-13-0005801

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
MI YOUNG YOU, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1DCW-13-000332)

ORDER DISMISSING AS MOOT THE
APRIL 3, 2014 "STIPULATION TO DISMISS APPEAL"
(By: Nakamura, Chief Judge, Foley and Leonard, JJ.)

Upon consideration of the "Stipulation to Dismiss Appeal" (Stipulation) filed on April 3, 2014 by Defendant-Appellant Mi Young You, and the records and files herein, it appears that the Stipulation as to this criminal appeal is not supported by Appellant's affidavit or declaration that reflects a knowing and intelligent understanding of the consequences of the dismissal of the appeal and that the withdrawal is made voluntarily, as required under Rule 42(c) of the Hawai'i Rules of Appellate Procedure. However, it also appears that, on remand, the district court approved a stipulation that vacated the

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

judgment of conviction that is the subject of the instant appeal.¹ Where no judgment of conviction remains from which Appellant may properly appeal, the appeal is moot, and we now reassume jurisdiction over the appeal to address this matter. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed as moot.

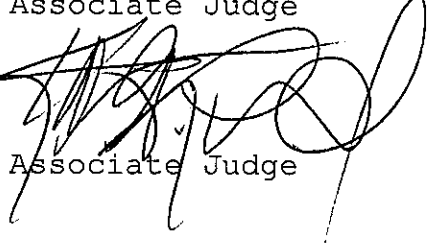
DATED: Honolulu, Hawai'i, April 15, 2014.



Chief Judge



Associate Judge



Associate Judge

¹ JIMS DC Crim permits viewing of the said approved stipulation in the underlying criminal case 1DCW-13-0000332, and this court takes judicial notice of said approved stipulation.