

**Electronically Filed  
Intermediate Court of Appeals  
30247  
11-SEP-2012  
08:32 AM**

NO. 30247

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

FAUSTINO V. ABADILLA,  
Petitioner-Appellant,  
v.  
STATE OF HAWAI'I,  
Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(S.P.P. NO. 09-1-0002)

ORDER DISMISSING APPEAL AS MOOT

(By: Nakamura, C.J., Foley and Reifurth, JJ.)

Petitioner-Appellant Faustino Abadilla (Abadilla) appeals from the "Findings of Fact, Conclusions of Law and Order Denying Petitioner's May 28, 2009 Petition for Post-Conviction Relief (Rule 40, HRPP)," entered December 2, 2009 in the Circuit Court of the Third Circuit.<sup>1</sup>

Abadilla's "Petition for Post Conviction Relief (Rule 40, HRPP)" and appeal challenge the terms of his minimum terms of

---

<sup>1</sup> The Honorable Greg K. Nakamura presided.

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

imprisonment fixed by the Hawai'i Paroling Authority.<sup>2</sup> All of Abadilla's minimum terms of imprisonment have expired.

Therefore, this appeal is moot, and IT IS HEREBY ORDERED dismissed.

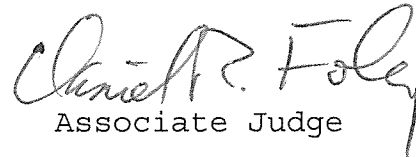
DATED: Honolulu, Hawai'i, September 11, 2012.

On the briefs:

Brian J. De Lima  
Francis R. Alcain  
(Crudele & De Lima)  
for Petitioner-Appellant.

  
Chief Judge

Diane K. Taira  
Deputy Attorney General  
for Respondent-Appellee.

  
Associate Judge

  
Associate Judge

---

<sup>2</sup> Respondent-Appellee State of Hawai'i argues that the expiration of Abadilla's minimum terms was properly calculated based on State v. Tauiiili, 96 Hawai'i 195, 29 P.3d 914 (2001). See State v. Garcia, 125 Hawai'i 429, 263 P.3d 709 (2010) (applying the Tauiiili decision retroactively).