

NO. 24302

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

KEVEN ROY WANDLE, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(TRAFFIC NO. 5056030MO)

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of the Suggestion of Death filed by Plaintiff-Appellee State of Hawai'i, the papers in support, and the records and files herein, it appears that: (1) Plaintiff-Appellee has submitted a death certificate showing that Defendant-Appellant Keven Roy Wandle died on June 4, 2001; (2) neither the personal representative nor the State have moved for substitution of party pursuant to HRAP Rule 43(a); and (3) pursuant to HRAP Rule 43(a), when a party to an appeal dies during the appeal, any party may suggest the death on the record, and proceedings shall be had as the court shall direct.

Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed pursuant to HRAP Rule 43(a).

DATED: Honolulu, Hawai'i, August 10, 2001.