

NO. 26336

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

CHESTER VIERRA, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-CR. NO. 03-1-2507)

ORDER GRANTING MOTION FOR DISMISSAL OF APPEAL

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

Upon consideration of appellate counsel's motion for an order dismissing Defendant-Appellant Chester Vierra's appeal, the papers in support, and the records and files herein, it appears that: (1) Appellant was convicted and sentenced for the offense of harassment in the Family Court of the First Circuit, and on January 16, 2004, the public defender's office filed a notice of appeal on behalf of Appellant; (2) Appellant was informed that he must maintain contact with his attorney; (3) several letters were sent to Appellant's last known address explaining the appellate process and informing Appellant that he must provide a phone number or other contact information to his attorney; (4) on January 30, 2004, Appellant left a message on his attorney's answering machine, but he did not provide a telephone number or alternative address; (5) Appellant did not otherwise respond to the letters sent to him, and the public defender's office has

been unable to locate him; and (6) Appellant has abandoned his appeal. Therefore,

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

DATED: Honolulu, Hawai'i, April 27, 2004.

Deborah L. Kim,
Deputy Public Defender,
for defendant-appellant
on the motion