

NO. 26454

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

JUSTIN ORBISTANDO, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 03-1-2315)

ORDER GRANTING DEFENDANT-APPELLANT
ORBISTANDO'S MOTION FOR DISMISSAL OF APPEAL

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

Upon consideration of Defendant-Appellant Justin Orbistando's motion for dismissal of his appeal, the papers in support, and the records and files herein, it appears:

(1) Appellant no longer wishes to pursue this interlocutory appeal; (2) Appellant's declaration shows Appellant understands the consequences of dismissing his appeal and that the request for dismissal is voluntary. Therefore,

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

DATED: Honolulu, Hawai'i, November 4, 2004.

Hayden Aluli
for defendant-appellant
on the motion