

NO. 23314

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

DAVID MALDONADO, Defendant-Appellant

FIRST CIRCUIT COURT  
(FC-CR. NO. 00-1-1109)

ORDER GRANTING MOTION FOR ORDER OF DISMISSAL OF APPEAL  
(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon consideration of the Office of the Public Defender's motion for an order dismissing the appeal of Defendant-Appellant David Maldonado, the papers in support, and the records and files herein, it appears that: (1) on March 29, 2000, the Office of the Public Defender notified Appellant that a notice of appeal was filed on his behalf and that he had to remain in contact with his attorney to discuss his appeal and the issues that would be raised on appeal; (2) Appellant did not respond to telephone calls at his last known place of employment; (3) when appellate counsel called Appellant at his last known home phone number, counsel was informed that the number was disconnected; (4) a letter sent to Appellant's last known address on June 28, 2000 was returned with a notation that Appellant's new address was in Florida; (5) a letter sent to the Florida address on July 17, 2000 was returned indicating that Appellant

moved to Hawai'i; (6) Appellate counsel has been unable to contact Appellant, and Appellant has not responded to letters and telephone calls; and (7) Appellant has abandoned his appeal.

Therefore,

IT IS HEREBY ORDERED that the motion for an order of dismissal of appeal is granted, and this appeal is dismissed.

DATED: Honolulu, Hawai'i, August 9, 2000.