

NO. 24234

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,

vs.

TROY S. K. PALENCIA, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(TR7 OF 3/29/01)

ORDER

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

Upon consideration of Defendant-Appellant Troy S. K. Palencia's motion to dismiss his appeal from the judgment and sentence entered March 29, 2001 in the District Court of the First Circuit, the papers and declaration in support, and the records and files herein, it appears that: (1) Appellant is appealing from a conviction for driving under the influence of intoxicating liquor; (2) In his declaration, Appellant states that: (a) he understands he has a statutory right to appeal; (b) he understands the consequences of dismissing his appeal and that he will have to comply with the sentence imposed and will not be able to file another appeal; and (c) his decision to withdraw his appeal is made of his own free will; (3) Appellant's declaration reflects a knowing and intelligent understanding of the consequences of the dismissal of the appeal and that the withdrawal of the appeal is voluntary as required by HRAP Rule 42(c). Therefore,

IT IS HEREBY ORDERED that Defendant-Appellant's motion to dismiss his appeal is granted, and this appeal is dismissed.

DATED: Honolulu, Hawaii, August 8, 2001.