

NO. 23769

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,

vs.

PERRY TERAOKA, Defendant-Appellant.

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-CR. NO. 00-1-0301)

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 Perry Teraoka, the papers in support, and the records and files herein, it appears that: (1) on August 25, 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 was informed that it was of critical importance that he keep his attorney advised at all times during the pendency of the appeal of his current address and telephone and where his attorney could contact him; (3) Appellant did not respond to the letter; (4) Appellate counsel called Appellant at his last known telephone number numerous times, but was never able to contact him and was not able to leave a message; (4) Appellate counsel wrote to Appellant at his last known address directing Appellant to contact his attorney as soon as possible; (5) Appellate counsel

has been unable to contact Appellant, and Appellant has not responded to the letters sent to him; and (6) Appellant has abandoned his appeal. Therefore,

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

DATED: Honolulu, Hawai'i, February 23, 2001.