

NO. 22841

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII,
Respondent/Plaintiff-Appellee

vs.

JEFFREY STEVEN KAY,
Petitioner/Defendant-Appellant
(CR. NO. 98-0187)

STATE OF HAWAII, Plaintiff

vs.

ANTONIO HERNANDEZ-ESCABEDO,
aka ROBERTO BIGOTE, Defendant
(CR. NO. 98-0188)

STATE OF HAWAII, Plaintiff

vs.

ANTONIO CARLOS HERNANDEZ RAMOS, aka RAMOS
HERNANDEZ, aka ERIC, Defendant
(CR. NO. 98-0189)

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 98-0187)

ORDER DENYING MOTION FOR RECONSIDERATION

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

Upon consideration of Petitioner-Appellant Jeffrey
Steven Kay's motion for reconsideration of the order denying the
application for certiorari, it appears that: (1) on May 10,

2001, this court entered an order denying the application for writ of certiorari as untimely; (2) pursuant to Hawaii Rules of Appellate Procedure Rule 40.1(h), there is no reconsideration of the rejection of an application for a writ of certiorari; (3) if Appellant believes he is entitled to relief because his attorney failed to timely file an application for certiorari or Appellant wants other post conviction relief, Appellant may seek post conviction relief pursuant to Rule 40 of the Hawaii Rules of Penal Procedure (HRPP). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration of the order denying the application for writ of certiorari is denied without prejudice to Appellant seeking post conviction relief pursuant to HRPP Rule 40.

DATED: Honolulu, Hawaii, August 7, 2001.

Jeffrey Steven Kay, petitioner-
appellant, pro se, on the
motion.