

NOT FOR PUBLICATION

NO. 25083

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

EDMUND ABORDO, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 00-1-0049)
(CR. NO. 93-0737)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Watanabe and Foley, JJ.)

Petitioner-Appellant Edmund Abordo (Abordo) appeals the "Findings of Fact, Conclusions of Law, and Order Denying Petition for Post-Conviction Relief Without a Hearing" filed on April 22, 2002 in the Circuit Court of the First Circuit (circuit court).¹

On appeal, Abordo contends his extended sentence was illegal under Apprendi v. New Jersey, 530 U.S. 466, 120 S. Ct. 2348 (2000).

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we conclude that the holding in Apprendi does not apply to extended term sentences under Hawaii Revised Statutes § 706-662(4). State v. Kaua, 102 Hawai'i 1, 13, 72 P.3d 473, 485 (2003).

¹ The Honorable Richard K. Perkins presided.

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Therefore,

IT IS HEREBY ORDERED that the "Findings of Fact, Conclusions of Law, and Order Denying Petition for Post-Conviction Relief Without a Hearing" filed on April 22, 2002 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, June 25, 2004.

On the briefs:

Edmund Abordo,
petitioner-appellant pro se.

Chief Judge

Mangmang Qiu Brown,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for respondent-appellee.

Associate Judge

Associate Judge