

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28234

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
JAMES DAVID KALILI, Defendant-Appellant

K. HAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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FILED

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
North and South Kona Division
(Case Nos. 1558442MH, C06014612, C06014613, 1556197MH)

ORDER

(By: Fujise, J., for the court¹)

Upon review of the record, it appears that the members of the Merit Panel who decided the June 12, 2008 Summary Disposition Order and who entered the June 27, 2008 Judgment on Appeal differed from those members assigned to this case on July 9, 2007.

It further appears that the time for filing an application for writ of certiorari has not yet expired, no petition has been filed, and, accordingly, the judgment is not yet effective. Hawai'i Rules of Appellate Procedure Rules 36 and 40.1. Therefore,

IT IS HEREBY ORDERED that the June 12, 2008 Summary Disposition Order and the June 27, 2008 Judgment on Appeal are vacated.

DATED: Honolulu, Hawai'i, August 6, 2008.

Ausa D. M. Fujise
Associate Judge



¹ Recktenwald, C.J., Watanabe and Fujise, JJ.