

NO. 29356

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

KENNETH W. MATHISON, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

K.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2009 JUN 19 AM 8:06

FILED

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CR. NO. 93-473)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Fujise and Leonard, JJ.)

Petitioner-Appellant Kenneth W. Mathison (**Mathison**)
appeals the Findings of Fact, Conclusions of Law, and Order
Granting in Part and Denying in Part Petition for Post-Conviction
Relief (**Rule 40 Order**), filed on August 19, 2008, in the Circuit
Court of the Third Circuit (**Circuit Court**).^{1/}

On appeal, Mathison fails to challenge any of the
Circuit Court's findings of fact or conclusions of law. Mathison
fails to state any points of error or argument as to why the Rule
40 Order is erroneous. Therefore, any issues that Mathison may
have on appeal are waived. See Hawai'i Rules of Appellate
Procedure Rule 28(b)(4) and (7).

For these reasons, the Rule 40 Order is affirmed.

^{1/} The Honorable Elizabeth A. Strance presided.

DATED: Honolulu, Hawai'i, June 19, 2009.

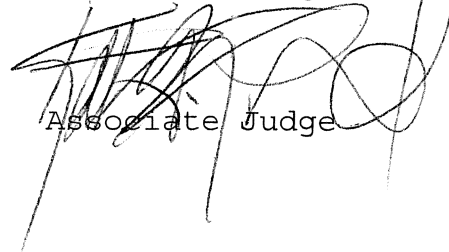
On the briefs:

Kenneth Mathison
A5001445, KB-70
1250 E. Arica Road
Eloy, AZ 85231

Lisa M. Itomura, Esq.
Diane K. Taira, Esq.
Deputy Attorneys General
Department of the Attorney
General, State Hawai'i
425 Queen Street
Honolulu, Hawai'i 96813


Presiding Judge


Associate Judge


Associate Judge