

FILED

2009 MAY 15 AM 9:28

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

NO. 29596

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
MICHAEL C. TIERNEY, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 08-1-0869)

ORDER DENYING MAY 6, 2009 MOTION TO RECONSIDER
APRIL 30, 2009 ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

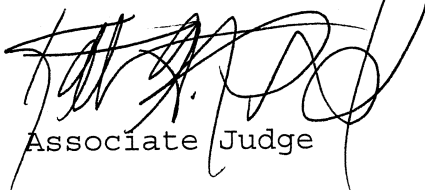
Upon review of (1) the April 30, 2009 order dismissing this appeal for lack of appellate jurisdiction, (2) Defendant-Appellant Michael Tierney's (Appellant Tierney) May 6, 2009 motion to reconsider the April 30, 2009 order of dismissal pursuant to HRAP Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, it appears that Appellant Tierney's May 6, 2009 HRAP Rule 40 motion to reconsider the April 30, 2009 order of dismissal is without merit. Therefore,

IT IS HEREBY ORDERED that Appellant Tierney's May 6, 2009 HRAP Rule 40 motion to reconsider the April 30, 2009 order of dismissal is denied.

DATED: Honolulu, Hawai'i, May 15, 2009.


Presiding Judge


Associate Judge


Associate Judge