

NO. 26754

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

THOMAS R. DAIGLE, Petitioner-Appellant,
vs.
STATE OF HAWAI'I, Respondent-Appellee.

NORMA J. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(S.P.P. NO. 04-1-0008 (CR. NO. 50114))

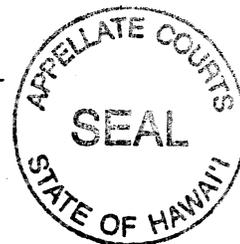
ORDER
(By: Nakayama, J.)

Upon consideration of Petitioner-Appellant's ex-parte motion to extend time to file certiorari in the supreme court, the record herein and it appearing that HRS § 602-59(c) does not allow for extensions of time to file a writ of certiorari,

IT IS HEREBY ORDERED the motion is denied. However, HRS § 602-59(c) and Hawai'i Rules of Appellate Procedure Rule 40.1 allow Appellant thirty days from the filing of the Intermediate Court of Appeals' (ICA) Summary Disposition Order to seek review of the ICA's decision by this court. The Summary Disposition Order was filed on July 21, 2005 and Appellant has until August 20, 2005 to file an application for writ of certiorari. However, pursuant to Hawai'i Rules of Appellate Procedure Rule 26, if the last day of the period is a Saturday, Sunday or legal holiday, then the deadline extends until the end of the next day that is not a Saturday, Sunday or legal holiday. Therefore, the application for writ of certiorari must be filed in the Supreme Court Clerk's Office by the close of business on August 22, 2005.

DATED: Honolulu, Hawai'i, August 16, 2005.

Panna C. Nakayama
Associate Justice



Thomas R. Daigle
petitioner-appellant, pro se
on the motion