

NO. 27257

IN THE SUPREME COURT OF THE STATE OF HAWAII

JAMES T. SHIPMAN, Petitioner-Appellant

vs.

STATE OF HAWAII, Respondent-Appellee.

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STATE OF HAWAII
E.M. RIMANDO

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FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 05-1-0003 (CR. NO. 97-2556))

ORDER DENYING MOTION TO DISMISS PETITIONER-APPELLANT'S APPEAL
(By: Levinson, J., for the court¹)

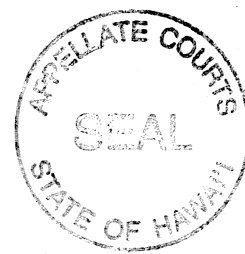
Upon consideration of Respondent-Appellee State of Hawai'i's motion to dismiss the appeal of Petitioner-Appellant James T. Shipman for lack of jurisdiction, the papers in support and opposition, and the records and files herein, it appears that: (1) the circuit court granted Appellant's motion for extension of time to file the notice of appeal; and (2) the notice of appeal received by the circuit court on April 15, 2005 and filed on April 26, 2005 was timely filed. Therefore,

IT IS HEREBY ORDERED that the motion to dismiss appeal for lack of jurisdiction is denied.

DATED: Honolulu, Hawai'i, September 14, 2005.

FOR THE COURT:

Steven H. Levinson
STEVEN H. LEVINSON
Associate Justice



Lisa M. Itomura,
deputy attorney general,
for respondent-appellee

James T. Shipman,
petitioner-appellant
pro se, in opposition

¹ Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.