

FILED

2006 DEC 11 PM 1:57

E.M. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

NO. 26362

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

EDWARD ALEXANDER SMITH, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT  
WAILUKU DIVISION  
(CASE NO. 02-97873)

ORDER

(By: Duffy, J. for the court<sup>1</sup>)

Upon consideration of appellant's letter of November 29, 2006, which is deemed a motion for extension of time to file an application for a writ of certiorari, it appears that HRS § 602-59(c) (Supp. 2005), as amended by Act 149, 2006 Hawai'i Session Laws, does not authorize the appellate court to extend the ninety-day period for filing an application for a writ of certiorari. Therefore,

IT IS HEREBY ORDERED that the motion for extension of time to file an application for a writ of certiorari is denied.

DATED: Honolulu, Hawai'i, December 11, 2006.

FOR THE COURT:

*James E. Duffy, Jr.*  
Associate Justice



<sup>1</sup>Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.