

NO. 26580

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent/Plaintiff-Appellee

vs.

ROBERT KUHIO KUPAHU, Petitioner/Defendant-Appellant

K.H. SHAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 SEP 19 AM 11:58

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 03-1-2083)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
WITHOUT PREJUDICE

(By: Acoba, J., for the court¹)

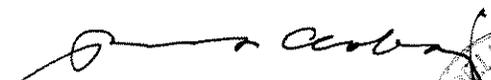
It appearing that the judgment on appeal in the above-referenced matter has not been entered by the Intermediate Court of Appeals, see Hawai'i Revised Statutes § 602-59(a), as amended by Act 149 of the 2006 Hawai'i Session Laws; see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2006),

IT IS HEREBY ORDERED that petitioner/defendant-appellant Robert Kuhio Kupahu's application for writ of certiorari, filed September 18, 2006, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) ("No later than 90 days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order, any party may apply in writing to the supreme court for a writ of certiorari.").

DATED: Honolulu, Hawai'i, September 19, 2006.

Cynthia A. Kagiwada
for petitioner/
defendant-appellant
on the application

FOR THE COURT:


Associate Justice



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