

NO. 27093

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ROY RITA,
Petitioner-Appellant,

vs.

STATE OF HAWAI'I,
Respondent-Appellee.

E.M. RINANDO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2006 AUG 14 AM 8:39

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(S.P.P. NO. 04-1-0009)

ORDER DISMISSING "NOTICE OF CERTIORARI" WITHOUT PREJUDICE
(By: Levinson, 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-appellant Roy Rita's "notice of certiorari", filed August 11, 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

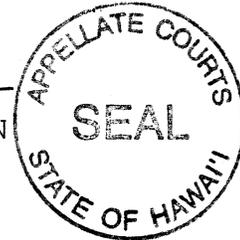
¹ Court: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

order, any party may apply in writing to the supreme court for a writ of certiorari.").

DATED: Honolulu, Hawai'i, August 14, 2006.

FOR THE COURT:

Steven H. Levinson
STEVEN H. LEVINSON
Associate Justice



Roy Rita, petitioner-
appellant pro se,
on the application