

NO. 27146

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent/Plaintiff-Appellee

vs.

FALESA AFUVAI, Petitioner/Defendant-Appellant

CLERK OF APPELLATE COURTS
STATE OF HAWAI'I
E.M. RIMANDO

2006 AUG 14 PM 3:11

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 3-1-0288)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
WITHOUT PREJUDICE

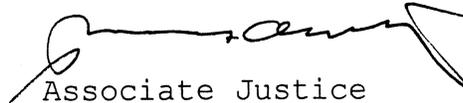
(By: Acoba, J., for the court¹)

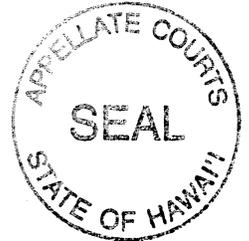
It appearing that the judgment on appeal in the above-referenced matter has not been entered by the Intermediate Court of Appeals, see Hawai'i Revised Statutes § 602-59(a), as amended by Act 149 of the 2006 Hawai'i Session Laws; see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2006),

IT IS HEREBY ORDERED that petitioner/defendant-appellant Falesa Afuvai's application for writ of certiorari, filed August 14, 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, August 14, 2006.

FOR THE COURT:


Associate Justice



Daphne E. Barbee for
petitioner/defendant-
appellant, on the
application.

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