

NO. 27020

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BRANDON K. MATHIAS, Petitioner-Defendant-Appellant

vs.

STATE OF HAWAI'I, Respondent-Plaintiff-Appellee

ENRIQUINANDO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2007 JUN 28 PM 2:12

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 02-1-0566)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
WITHOUT PREJUDICE

(By: Nakayama, J., for the court¹)

Upon consideration of the application for writ of certiorari filed by Petitioner-Defendant-Appellant Brandon K. Mathias ("Mathias"), pro se, on June 18, 2007, and careful review of the record, we observe as follows:

(1) It appears from the record that Mathias remains represented by counsel, Jennie J. Park, Esq. ("Park").

(2) The Intermediate Court of Appeals' Judgment on Appeal was filed on April 19, 2007.

(3) It appears that counsel for Mathias may timely file an application for writ of certiorari on or before July 18, 2007.

Therefore,

IT IS HEREBY ORDERED that Mathias' application for writ of certiorari filed pro se is dismissed, without prejudice to a subsequent application for writ of certiorari being filed by his counsel within the time limit prescribed by Hawai'i Rules of

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

Appellate Procedure Rule 40.1(a) (2006). We note that counsel is responsible for her own calendaring and the timely filing of an application for writ of certiorari, if any, in the instant case.

DATED: Honolulu, Hawai'i, June 28, 2007.

FOR THE COURT:

Pamela C. Takayama
Associate Justice

