

FILED

2008 AUG 25 AM 10:18

ENTERED
CLERK, APPELLATE COURTS
STATE OF HAWAII

NO. 27662

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee-Respondent,

vs.

ISAIAH I. KINI, Defendant-Appellant-Petitioner.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 04-1-1785)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
WITHOUT PREJUDICE

(By: Levinson, J., for the court¹)

Upon consideration of the application for writ of certiorari filed on August 18, 2008 by the defendant-appellant-petitioner Isaiah I. Kini, it appears that the application was filed by Kini pro se, but that he is represented by appointed appellate counsel. Kini has not obtained appointed counsel's discharge pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 50(c) or withdrawal from the appellate court or the circuit court pursuant to HRAP Rule 50(b), and he does not have a constitutional right to hybrid representation, see State v. Hirano, 8 Haw. App. 330, 333-36, 802 P.2d 482, 484-85 (1990). Therefore,

IT IS HEREBY ORDERED that the application for writ of certiorari is dismissed without prejudice to an application filed by appointed counsel of record or by Kini pro se upon appointed

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

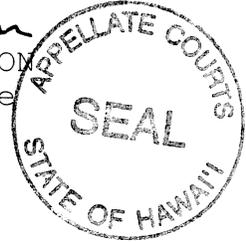
counsel's discharge or withdrawal effected by the appellate court or the circuit court.

DATED: Honolulu, Hawai'i, August 25, 2008.

FOR THE COURT:

Steven H. Levinson

STEVEN H. LEVINSON
Associate Justice



Isaiah I. Kini, Pro se,
on the application