

NO. 29097

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GARY KARAGIANES, Petitioner,

vs.

CIRCUIT COURT OF THE SECOND CIRCUIT, Respondent

ORIGINAL PROCEEDING
(CR. NO. 92-0340)

KHAMAKAUI
CLERK OF THE SUPREME COURT
STATE OF HAWAII

2008 APR 11 PM 2:08

FILED

ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

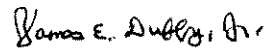
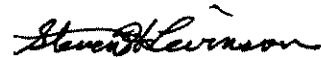
Upon consideration of the letter dated March 31, 2008 by Gary Karagianes, which is deemed a petition for a writ of mandamus, it appears that petitioner seeks a writ directing the second circuit court to "resentence" petitioner in Cr. No. 92-0340 by entering a "new sentence and judgment to reflect a reversal of Count 2." However, the reversal of petitioner's conviction and sentence on Count 2 was effected in the supreme court's May 5, 2003 Judgment on Appeal. The Judgment on Appeal was filed in the second circuit court in Cr. No. 92-0340 on May 13, 2003 and constitutes the "new judgment" reversing the conviction and sentence on Count 2. Therefore,

IT IS HEREBY ORDERED that the clerk of the appellate court shall file the petition for a writ of mandamus as an original proceeding without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied. The denial is without prejudice to seeking relief from the Department of Public Safety and the Hawaii

Paroling Authority by directing their attention to the
May 5, 2003 Judgment on Appeal filed in Cr. No. 92-0340 on
May 13, 2003.

DATED: Honolulu, Hawai'i, April 11, 2008.



Pamela A. Tucker, Jr.