

NO. 29050

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII

2009 SEP -4 PM 1:41

FILED

ARTHUR BIRANO, Petitioner/Petitioner-Appellant

vs.

STATE OF HAWAII, Respondent/Respondent-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(S.P.P. NO. 07-1-0012; CR. NO. 01-1-1154)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI
WITHOUT PREJUDICE

(By: Nakayama, J., for the court¹)

Petitioner/Petitioner-Appellant's application for writ of certiorari filed on July 23, 2009, is denied without prejudice to Petitioner filing another Hawai'i Rules of Penal Procedure (HRPP) Rule 40 Petition.

DATED: Honolulu, Hawai'i, September 4, 2009.

FOR THE COURT:

Aamia A. Nakayama
Associate Justice



Cynthia A. Kagiwada
for Petitioner/Petitioner-
Appellant on the application

¹Considered by: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Kim, in place of Recktenwald, J., recused.