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NO. 29488

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MARSHALL MARTINEZ, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

FILED
2009 JAN 30 PM 2:16
K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

ORIGINAL PROCEEDING

ORDER
(By: Duffy, J. for the court[1])

Upon consideration of the motion for reconsideration and clarification of the December 19, 2008 order denying the petition for writ of habeas corpus, it appears that the motion was filed more than ten days after the filing of the December 19, 2008 order and is untimely. See HRAP 40(a). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration and clarification is dismissed.

DATED: Honolulu, Hawai'i, January 30, 2009.

FOR THE COURT:

Kamoa E. Duffy Sr.
Associate Justice

APPELLATE COURTS SEAL STATE OF HAWAII

[1] Considered by: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Retired Justice Levinson, appointed by reason of vacancy, on January 28, 2009.