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NO. 29596

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAII,
Respondent/Plaintiff-Appellee,

vs.

MICHAEL C. TIERNEY,
Petitioner/Defendant-Appellant.

2009 JUL -7 PM 2:44
K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII
FILED

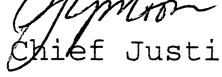
CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 08-1-0869)

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

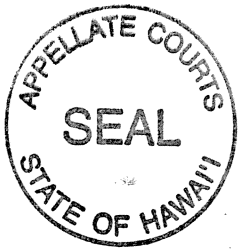
Petitioner/defendant-appellant Michael C. Tierney, by motion for reconsideration filed on June 23, 2009, seeks reconsideration of the June 16, 2009 order rejecting the application for a writ of certiorari, filed on May 22, 2009. However, HRAP 40.1(h) provides that "[n]either acceptance nor rejection of an application for a writ of certiorari shall be subject to a motion for reconsideration in the supreme court. The rejection of an application for certiorari shall be final." Therefore,

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

DATED: Honolulu, Hawai'i, July 7, 2009.



Chief Justice



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[1] Considered by: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.