

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28194

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,
v.
FRANCIS ANTHONY GRANDINETTI, aka
ALBERT FERNANDEZ, aka FRANK MYERS,
aka FRANK IRANDINE, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CRIMINAL NO. 93-0141)

ORDER DENYING DEFENDANT'S HRAP RULE 40 MOTION AND
BRIEFING UNDER THE 10-DAY RULE, AND REINSTATEMENT OF APPEAL
(By: Recktenwald, C.J., Watanabe and Foley, JJ.)

Upon consideration of Defendant-Appellant Francis Grandinetti's June 14, 2007 Rule 40 motion and briefing under 10-day rule and reinstatement of appeal, which this court deems a motion to reconsider the May 30, 2007 order dismissing Appellant's appeal, it appears: (1) Appellant did not file the statement of jurisdiction and the opening brief as required; and (2) the dismissal of the appeal was proper. Therefore,

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

DATED: Honolulu, Hawaii, July 12, 2007.

Man Recktenwald

Chief Judge

Corinne K. A. Watanabe

Associate Judge

Daniel P. Foley
Associate Judge

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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