

NO. 26161

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent-Appellant

vs.

DEREK VAN ALDERWERELT, Petitioner-Appellee

EMERSON  
CLERK OF APPELLATE COURTS  
STATE OF HAWAII

2005 OCT 13 AM 9:15

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(FC-CR NO. 03-1-0242)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI AS UNTIMELY  
(By: Nakayama, J., for the court<sup>1</sup>)

Petitioner-Appellee's application for writ of certiorari filed ex officio on September 30, 2005, is hereby dismissed as untimely.

DATED: Honolulu, Hawai'i, October 13, 2005.

FOR THE COURT:

*Paula C. Nakayama*  
Associate Justice

Joel Edelman for  
petitioner-appellee  
on the writ



<sup>1</sup>Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.