

NO. 29449

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KENNETH JELKS,
Petitioner/Petitioner-Appellant,

vs.

STATE OF HAWAI'I,
Respondent/Respondent-Appellee,

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 JUL -6 AM 9:01

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 05-1-0061; CR. NO. 94-0257)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Moon, C.J. for the court¹)

Petitioner/petitioner-appellant Kenneth Jelks' application for a writ of certiorari, filed on June 12, 2009, is deemed filed on June 5, 2009, the date that petitioner certifies that the application was tendered to corrections officials for mailing to the supreme court. See Setala v. J.C. Penney Co., 97 Hawai'i 484, 40 P.3d 886 (2002). The time for filing an application for a writ of certiorari expired on June 3, 2009, ninety days after the filing of the intermediate court of appeals' March 5, 2009 dismissal order. See HRS § 602-59(c) (Supp. 2008). Therefore, the application for a writ of

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

certiorari, deemed filed on June 5, 2009, is untimely.

Accordingly,

IT IS HEREBY ORDERED that petitioner's application for a writ of certiorari is dismissed.

DATED: Honolulu, Hawai'i, July 6, 2009.

FOR THE COURT:


Chief Justice

