

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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JAMES T. SHIPMAN, Petitioner-Appellant,

vs.

STATE OF HAWAI'I, Respondent-Appellee.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(S.P.P. NO. 08-1-0011/CR. NO. 97-2556)

ORDER DISMISSING "APPLICATION FOR WRIT OF CERTIORARI"  
WITHOUT PREJUDICE

(By: Moon, C.J., for the court<sup>1</sup>)

It appearing that the one-page document, entitled "Proceeding a Cert," filed by petitioner-appellant James T. Shipman on November 9, 2009, which this court treats as an application for a writ of certiorari, fails to comply with Rule 40.1(d) of the Hawai'i Rules of Appellate Procedure (HRAP),<sup>2</sup>

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<sup>1</sup> Court: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.

<sup>2</sup> HRAP Rule 40.1(d) provides an application for writ of certiorari must contain the following:

(1) A short and concise statement of the questions presented for decision, set forth in the most general terms possible. The statement of a question presented will be deemed to include every subsidiary question fairly comprised therein. Questions not presented according to this paragraph will be disregarded. The supreme court, at its option, may notice a plain error not presented.

(2) A statement of prior proceedings in the case.

(3) A short statement of the case containing the facts material to the consideration of the

(continued...)

IT IS HEREBY ORDERED that the "application" is dismissed without prejudice to Shipman's re-filing an application for writ of certiorari<sup>3</sup> that complies with HRAP 40.1 and serving such application in the manner and as required by HRAP 25(b).

DATED: Honolulu, Hawai'i, November 16, 2009.

James T. Shipman,  
petitioner-appellant,  
appearing pro se,  
on the application

FOR THE COURT:

Chief Justice

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<sup>2</sup> (...continued)

questions presented.

(4) A brief argument with supporting authorities.

A copy of the challenged opinion, dispositional order, or ruling of the [ICA] shall be attached as an appendix.

<sup>3</sup> Inasmuch as the judgment on appeal was filed on October 21, 2009, the time for bringing an application for writ of certiorari will not expire until January 19, 2010. See Hawai'i Revised Statutes § 602-59.