

NOT FOR PUBLICATION

NO. 27445

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent-Appellee, v.
HARVEY K. KELIIKOVA, Petitioner-Appellant

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2006 MAY 25 AM 9:11

FILED

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT,
HILO DIVISION
(Citation Nos. 1692055MH and 1692056MH)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Acting C.J., Lim, and Foley, JJ.)

Petitioner-Appellant Harvey K. Keliikoa (Keliikoa) appeals from the "Findings of Fact, Conclusions of Law and Order Denying [Keliikoa's] Motion to Arrest Judgment Pursuant to Rule 40 [(H.R.P.P.)] Hawai'i Rules of Penal Procedure" (the Order), entered on September 26, 2005 by the District Court of the Third Circuit, Judge K. Napua Brown presiding. The Order concluded that: (1) Keliikoa's motion was "patently frivolous and without merit[,]" inasmuch as "[t]he issues he raises have been waived, lack any support, and are contrary to the records and files herein"; and (2) Keliikoa "has failed to meet his burden of proof to show he is entitled to any relief under a Rule 40 H.R.P.P. petition." (Brackets omitted.)

In accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties,

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IT IS HEREBY ORDERED that the Order from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, May 25, 2006.

On the briefs:

Harvey Keliikoa,
petitioner-appellant, *pro se*.

Shaunda A. K. Liu,
deputy prosecuting attorney,
County of Hawai'i
for respondent-appellee.

Corinne K.A. Watanabe

Daniel R. Foley