

NO. 24185

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EUGENE JAMES HUTCH, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(S.P.P. NO. 01-1-0006)

ORDER

(By: Nakayama, J., for the court)

Upon consideration of Petitioner-Appellant Eugene Hutch's petition for a writ of certiorari filed on June 30, 2004 seeking review of the June 16, 2004 notice and judgment on appeal, the papers in support, and the records and files herein, it appears that: (1) Appellant properly filed a timely petition for a writ of certiorari on March 19, 2003 seeking review of the ICA's March 5, 2003 summary disposition order; (2) the petition for a writ of certiorari was resolved on November 28, 2003 when the certiorari proceeding was dismissed as improvidently granted; and (3) there is no provision within HRAP Rule 40.1 that allows Appellant to file a second petition for a writ of certiorari after the entry of the notice and judgment on appeal.

Therefore,

IT IS HEREBY ORDERED that the June 30, 2004 petition for a writ of certiorari is dismissed.

DATED: Honolulu, Hawai'i, July 15, 2004.

FOR THE COURT:

Associate Justice

Eugene James Hutch
petitioner-appellant
pro se on the writ