

NO. 26000

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

FRANK O. LOHER,  
Defendant-Appellant-Petitioner,

NONIJA T. YARRA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2005 JUN 17 AM 7:53

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CR. NO. 99-0-1621)

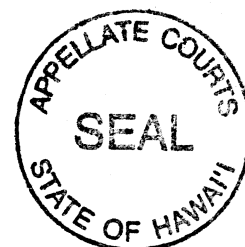
ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI  
(By: Levinson, J., for the court<sup>1</sup>)

Upon consideration of the application for a writ of certiorari filed on June 7, 2005, by the defendant-appellant-petitioner Frank O. Loher, the same, being untimely, is hereby dismissed for lack of appellate jurisdiction. See Hawai'i Revised Statutes § 602-59(c); Hawai'i Rules of Appellate Procedure Rule 40.1(a); Korsak v. Hawai'i Permanente Med. Group, 94 Hawai'i 297, 305, 12 P.3d 1238, 1246 (2000) (dismissing certiorari proceedings for lack of appellate jurisdiction because petitioner's application for writ of certiorari was untimely, inasmuch as the application was filed two days after the thirty day deadline).

DATED: Honolulu, Hawai'i, June 17, 2005.

FOR THE COURT:

*Steven H. Levinson*  
STEVEN H. LEVINSON  
Associate Justice



Frank O. Loher,  
pro se, on the writ

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