

NO. 27093

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ROY RITA, Petitioner-Appellant,

vs.

STATE OF HAWAII, Respondent-Appellee.

NOHUNA T. YARA
CLERK APPELLATE COURT
STATE OF HAWAII

2006 AUG 28 PM 4:53

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(S.P.P. NO. 04-1-009 (CR. NO. 02-1-0139))

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
WITHOUT PREJUDICE

(By: Moon, C.J., for the court¹)

It appearing that the judgment on appeal in the above-referenced matter has not been entered by the Intermediate Court of Appeals, see Hawai'i Revised Statutes § 602-59(a), as amended by Act 149 of the 2006 Hawai'i Session Laws; see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2006),

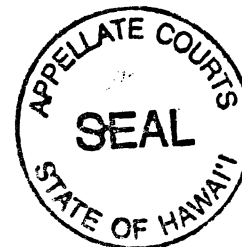
IT IS HEREBY ORDERED that petitioner-appellant Roy Rita's application for writ of certiorari, filed August 28, 2006, is dismissed without prejudice to refileing the application pursuant to HRAP Rule 40.1(a) ("No later than 90 days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order, any party may apply in writing to the supreme court for a writ of certiorari.").

DATED: Honolulu, Hawai'i, August 28, 2006.

Roy Rita
petitioner-appellant,
appearing pro se,
on the application

FOR THE COURT:

[Signature]
Chief Justice



¹ Court: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.