

NO. 26110

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

PAME ANN MARY LEILANI ROMANO, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1P103-00755 OF 8/26/03; HPD CR. NO 03024777)

ORDER

(By: Acoba, J. for the court¹)

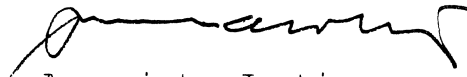
Upon consideration of the "HRPP Rule 40 Petition to Vacate, Set Aside or Correct Judgment Entered on August 26, 2003" filed by Pame Ann Mary Leilani Romano on July 18, 2008 in the supreme court, it appears that the petition seeks post-conviction relief pursuant to HRPP Rule 40 from the August 26, 2003 judgment of conviction and sentence of the district court of the first circuit. The petition should be filed in the district court of the first circuit, not in the supreme court. See HRPP Rule 40(b) ("A proceeding for post-conviction relief shall be instituted by filing a petition with the clerk of the court in which the conviction took place."). Accordingly,

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

IT IS HEREBY ORDERED that the HRPP Rule 40 petition is dismissed without prejudice to filing the petition in the district court of the first circuit.

DATED: Honolulu, Hawai'i, August 1, 2008.

FOR THE COURT:



Associate Justice

