

NO. 28809

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM BENJAMIN NAPEAHI,
Petitioner/Petitioner-Appellant

vs.

STATE OF HAWAI'I,
Respondent/Respondent-Appellee

K. HANAKADO
LEK, APPELLATE COURTS
STATE OF HAWAI'I

2009 MAR -3 PM 2:48

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(SPP NO. 07-1-0014; CR. NO. 00-1-0014)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Acoba, 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) (2008),

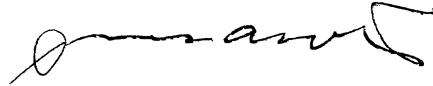
IT IS HEREBY ORDERED that Petitioner/Petitioner-Appellant William Benjamin Napeahi's application for writ of certiorari, filed February 12, 2009, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) ("No later than 90 days after the filing of the intermediate court of appeals' judgment on appeal or dismissal

¹ Considered by: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Perkins, assigned by reason of vacancy.

order, any party may apply in writing to the supreme court for a writ of certiorari.").

DATED: Honolulu, Hawai'i, March 3, 2009.

FOR THE COURT:


Associate Justice



William Benjamin Napeahi,
petitioner/petitioner-
appellant, *pro se*, on the
application.