

NO. 29949

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RICHARD B. RAPOZO, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

KIHAMAOKA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2009 AUG -7 PM 3:08

FILED

ORIGINAL PROCEEDING

ORDER

(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

Upon consideration of the petition for a writ of habeas corpus filed by petitioner Richard B. Rapozo and the papers in support, it appears that the circuit court's treatment of petitioner's June 19, 2009 petition for writ of habeas corpus as a petition for post-conviction relief under HRPP Rule 40 allows petitioner to seek the same habeas corpus relief afforded under HRS chapter 660. See HRPP Rule 40(a) ("The post-conviction proceeding established by this rule shall encompass all common law and statutory procedures for the same purpose, including habeas corpus[.]"). Therefore,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of habeas corpus without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of habeas corpus is denied.

DATED: Honolulu, Hawai'i, August 7, 2009.



Daniel Nakayama



James E. Duffy, Jr.

Mark E. Recktenwald