

NO. 29016

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ROBERT SAPANARA, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(S.P.P. NO. 07-1-0019) (CR. NO. 03-1-0004)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Moon, C.J., for the court¹)

It appearing that the judgment on appeal in the above-referenced matter was filed on May 22, 2009 and petitioner Robert Sapanara's application for writ of certiorari was filed 157 days later, on October 26, 2009, i.e., 67 days late, see Hawai'i Revised Statutes § 602-59(c) (indicating application may be filed "no later than ninety days after the filing of the judgment); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 40.1(a) (same),

IT IS HEREBY ORDERED that Sapanara's application is dismissed as untimely.

DATED: Honolulu, Hawai'i, November 10, 2009.

Robert Sapanara, petitioner,
appearing pro se, on the
application

FOR THE COURT:

Chief Justice

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