

NO. 30451

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 08-1-0869)

KHAMAKAHOE
CLERK, APPELLATE COURTS
STATE OF HAWAII

2010 MAY -4 PM 1:24

FILED

ORDER

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

Upon consideration of petitioner Michael C. Tierney's petition for a writ of habeas corpus, it appears that petitioner seeks a writ of habeas corpus releasing him on bail pending his appeal before the intermediate court of appeals in No. 29993. Habeas corpus is not a vehicle for release on bail pending appeal and this court does not have jurisdiction to order petitioner's release on bail pending appeal in No. 29993. See HRS § 660-3 (1993); HRAP 9(b). Therefore,

IT IS HEREBY ORDERED that the petition for a writ of habeas corpus is dismissed.

DATED: Honolulu, Hawai'i, May 4, 2010.

Fumua A. Nakayama

Genoa E. Duffy, Jr.

Mark E. Recktenwald