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Supreme Court
SCWC-29732
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NO. SCWC-29732

IN THE SUPREME COURT OF THE STATE OF HAWAII

FRANK SANES, Petitioner/Defendant-Appellant,

vs.

STATE OF HAWAII, Respondent/Plaintiff-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 05-1-2537)

ORDER STRIKING PRO SE APPLICATION FOR CERTIORARI
(By: Recktenwald, C.J.)

Upon consideration of the application for writ of certiorari filed by petitioner/defendant-appellant Frank Sanes on March 21, 2011, and the record, it appears that the application for certiorari was filed by petitioner pro se, but that petitioner is represented by appointed appellate counsel and that counsel filed an application for writ of certiorari on March 16, 2011. Petitioner has not obtained appointed counsel's discharge pursuant to Hawai'i Appellate Rules of Appellate Procedure (HRAP) Rule 50(c) or withdrawal from the appellate court or the circuit court pursuant to HRAP 50(b), and a party does not have a constitutional right to hybrid representation. See State v. Hirano, 8 Haw. App. 330, 333-36, 802 P.2d 482, 484-85, cert. denied, 71 Haw. 668, 833 P.2d 901 (1990). Therefore,

IT IS HEREBY ORDERED that the pro se application for writ of certiorari filed by Frank Sanes is stricken and shall not be considered further.

DATED: Honolulu, Hawai'i, March 23, 2011.

/s/ Mark E. Recktenwald
Chief Justice

