

**Electronically Filed
Supreme Court
SCWC-17-0000509
25-JUN-2019
09:37 AM**

SCWC-17-0000509

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

GARY KARAGIANES,
Petitioner/Petitioner-Appellant,

vs.

STATE OF HAWAI‘I,
Respondent/Respondent-Appellee,

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-17-0000509; S.P.P. NO. 16-1-0007; CR. NO. 92-0340)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Nakayama, Acting, C.J., McKenna, Pollack, and Wilson, JJ.,
and Circuit Judge To‘oto‘o in place of Recktenwald, C.J., recused)

Upon consideration of Petitioner/Petitioner-Appellant Gary Karagianes' application for writ of certiorari and the record, it appears that, while Petitioner timely obtained an extension of time to file an application for writ of certiorari from the Intermediate Court of Appeals' March 27, 2019 judgment on appeal, Petitioner tendered his application for writ of certiorari to prison authorities after the extended filing deadline. See HRS § 602-59(c); HRAP Rule 40.1(a)(1) and (2);

Setala v. J.C. Penney Co., 97 Hawai'i 484, 486, 40 P.3d 886, 888 (2002). The application for writ of certiorari, therefore, is untimely. Accordingly,

IT IS HEREBY ORDERED that the application for writ of certiorari is dismissed.

DATED: Honolulu, Hawai'i, June 25, 2019.

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Fa'auuga To'oto'o

