

NO. 30137

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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GERALD VILLANUEVA, Petitioner-Appellant,

vs.

STATE OF HAWAI'I, Respondent-Appellee.

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APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(SPP NO. 09-1-0021 (CR. NO. 96-0078))

ORDER

(By: Duffy, J. for the court<sup>1</sup>)

Upon consideration of movant Gerald Villanueva's motion to remand for resentencing or issuance of a writ of habeas corpus, it appears that this case is not within the jurisdiction of the supreme court, but is within the jurisdiction of the intermediate court of appeals. See HRS § 602-57(1) (Supp. 2009). Therefore,

IT IS HEREBY ORDERED that the motion to remand is dismissed.

DATED: Honolulu, Hawai'i, March 24, 2010.

FOR THE COURT:

Associate Justice

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<sup>1</sup> Considered by: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.