

**Electronically Filed
Supreme Court
SCWC-11-0000595
10-AUG-2012
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NO. SCWC-11-0000595

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHEYNE DE LA GARZA, Petitioner/Petitioner-Appellant.

vs.

STATE OF HAWAI'I, Respondent/Respondent-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. CAAP-11-0000595; S.P.P. NO. 10-1-0021(4);
CR. NO. 08-0421(4))

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack JJ.)

It appearing that the judgment on appeal in the above-referenced matter has not been entered by the Intermediate Court of Appeals, see Hawai'i Revised Statutes § 602-59(a) (Supp. 2011); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2012),

IT IS HEREBY ORDERED that Petitioner/Petitioner-Appellant's application for writ of certiorari, filed August 8, 2012, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2012) ("The application shall be filed within thirty days after the filing of the intermediate

court of appeals' judgment on appeal or dismissal order, unless the time for filing the application is extended in accordance with this rule.").

DATED: Honolulu, Hawai'i, August 10, 2012.

Cheyne De La Garza,
petitioner pro se

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

