

**Electronically Filed  
Supreme Court  
SCWC-11-0000374  
31-MAY-2013  
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SCWC-11-0000374

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

JOHN N. AMIRAL, Petitioner/Defendant-Appellant.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-11-0000374; CASE NO. 1 DTI-10-123021)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, Pollack, JJ.)

It appearing that the judgment on appeal in the above referenced matter not having been filed by the Intermediate Court of Appeals at the time the application for certiorari was filed, 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/Defendant-Appellant's application for writ of certiorari, filed May 28, 2013, 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, May 31, 2013.

Kevin O'Grady,  
for petitioner

Loren Thomas,  
prosecuting attorney  
for respondent

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

