

**Electronically Filed
Supreme Court
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SCWC-11-0000605

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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

vs.

EICHI OKI, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-11-0000605; CASE NO. 1DTI-11-047379)

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

Upon consideration of petitioner/defendant-appellant Eichi Oki’s application for writ of certiorari, it appears that Oki’s application was initially due on November 27, 2013, which was 30 days after the Intermediate Court of Appeals’ October 28, 2013 judgment. Hawai‘i Revised Statutes (HRS) § 602-59(c) (Supp. 2012); Hawai‘i Rules of Appellate Procedure (HRAP) Rule 40.1(a)(1) (2013). It further appears that Oki requested and received an extension of time, which extended the deadline for filing his application for writ of certiorari an additional 30 days, to December 27, 2013. HRS § 602-59(c); HRAP Rule 40.1(a)(3) (2013).

Oki's application was filed on December 30, 2013. The application is untimely and thus, this court lacks appellate jurisdiction. Therefore,

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

DATED: Honolulu, Hawai'i, January 22, 2014.

Ann C. Kemp
for petitioner

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Fa'auuga To'oto'o

