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Intermediate Court of Appeals  
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NO. 29603

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

KENNETH W. MATHISON, Plaintiff-Appellant, v.  
STATE OF HAWAI'I, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CRIMINAL NO. 93-473)

SUMMARY DISPOSITION ORDER

(By: Nakamura, Chief Judge, Fujise and Leonard, JJ.)

Petitioner-Appellant Kenneth W. Mathison (**Mathison**) appeals the Findings of Fact, Conclusions of Law, and Order Granting in Part and Denying in Part Petition for Post-Conviction Relief (**Rule 40 Order**), filed on December 22, 2008, in the Circuit Court of the Third Circuit (**Circuit Court**).<sup>1/</sup>

On appeal, Mathison fails to challenge any of the Circuit Court's findings of fact or conclusions of law that adjudicated Mathison's Rule 40 petition on the basis of waiver. Mathison fails to state any points of error or argument as to why the Rule 40 Order is erroneous. Therefore, any issues that Mathison may have on appeal are waived. See Hawai'i Rules of Appellate Procedure Rule 28(b)(4) and (7).

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<sup>1/</sup> The Honorable Elizabeth A. Strance presided.

For these reasons, the Rule 40 Order is affirmed.

DATED: Honolulu, Hawai'i, November 16, 2010.

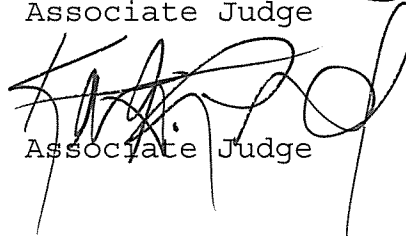
On the briefs:

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Chief Judge

  
Associate Judge

  
Associate Judge