

NO. 29989

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MARK J. BENNETT, Attorney General  
of the State of Hawai'i, Petitioner-Appellee,

vs.

FRANK DE GIACOMO, Respondent-Appellant,

and

ANIMAL CARE FOUNDATION, INC., Respondent.

(NO. 29989)

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MARK J. BENNETT, Attorney General  
of the State of Hawai'i, Petitioner-Appellee,

vs.

FRANK DE GIACOMO, Respondent-Appellant,

and

ANIMAL CARE FOUNDATION, INC., Respondent.

(NO. 29973)

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(S.P. No. 09-1-0208)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI  
(By: Moon, C.J., for the court<sup>1</sup>)

Petitioner/respondent-appellant Frank De Giacomo's application for writ of certiorari, filed on March 22, 2010, was filed more than ninety days after the filing of the ICA's December 11, 2009 order of dismissal. The application is

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<sup>1</sup> Considered by: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Sakamoto, in place of Recktenwald, J., recused.

untimely. See HRS § 602-59(c) (Supp. 2009). Therefore,

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

DATED: Honolulu, Hawai'i, April 13, 2010.

FOR THE COURT:

Chief Justice