

NO. 29808

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MELVIN FREITAS, JR.,
Petitioner/Petitioner-Appellant

vs.

STATE OF HAWAI'I,
Respondent/Respondent-Appellee

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(S.P.P. NO. 09-1-0010; CR. NO. 95-1006)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Acoba, J., for the court¹)

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. 2009); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2009),

IT IS HEREBY ORDERED that Petitioner/Petitioner-Appellant Melvin Freitas, Jr.'s application for writ of certiorari, filed August 9, 2010, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) ("No later than 90 days after the filing of the intermediate court of

¹ The court: Nakayama, Acting C.J., Acoba, Duffy, and Recktenwald, JJ., and Circuit Judge Sakamoto, in place of Moon, C.J., recused.

appeals' judgment on appeal or dismissal order, any party may apply in writing to the supreme court for a writ of certiorari.").

DATED: Honolulu, Hawai'i, August 12, 2010.

FOR THE COURT:

Associate Justice

Melvin Freitas, Jr.,
petitioner/petitioner-
appellant, *pro se*, on the
application.