

NO. 30137

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GERALD VILLANUEVA, Petitioner-Appellant,

vs.

STATE OF HAWAI'I, Respondent-Appellee.

K. HAMAKA'DOC
CLERK OF THE SUPREME COURT
STATE OF HAWAI'I

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FILED

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(SPP No. 09-1-0021 (CR. NO. 96-0078))

ORDER

(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

Upon consideration of movant Gerald Villanueva's "motion to the supreme court to issue writ of habeas corpus" filed on February 1, 2010, it appears that this case is not within the jurisdiction of the supreme court, but is within the jurisdiction of the intermediate court of appeals. See HRS § 602-57(1) (Supp. 2009). Therefore,

IT IS HEREBY ORDERED that the motion to issue writ of habeas corpus is dismissed.

DATED: Honolulu, Hawai'i, February 4, 2010.

Anna A. Nakayama

Geneva E. Duffy, Jr.

Mark Recktenwald