

NO. 29961

IN THE SUPREME COURT OF THE STATE OF HAWAII

GERALD VILLANUEVA, Petitioner-Appellant,

vs.

STATE OF HAWAII, Respondent-Appellee.

JEAN R. KIKUMOTO
CLERK OF THE SUPREME COURTS
STATE OF HAWAII

2010 MAR 22 PM 1:06

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(SPP NO. 09-1-0018 (CR. NO. 05-1-0946))

ORDER

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

Upon consideration of the motion for reconsideration of the February 4, 2010 order dismissing the motion for a writ of habeas corpus, it appears that the motion for reconsideration, filed in the appellate court on March 16, 2010, is untimely. See HRAP 40(a) ("A motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion, dispositional order, or ruling unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved."). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is dismissed.

DATED: Honolulu, Hawaii, March 22, 2010.

Tania A. Nakayama

James E. Duffy, Jr.