

NO. 30451

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

KHAMAKAHO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2010 MAY -4 PM 1:24

FILED

ORIGINAL PROCEEDING  
(CR. NO. 08-1-0869)

ORDER

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

Upon consideration of petitioner Michael C. Tierney's petition for a writ of habeas corpus, it appears that petitioner seeks a writ of habeas corpus releasing him on bail pending his appeal before the intermediate court of appeals in No. 29993. Habeas corpus is not a vehicle for release on bail pending appeal and this court does not have jurisdiction to order petitioner's release on bail pending appeal in No. 29993. See HRS § 660-3 (1993); HRAP 9(b). Therefore,

IT IS HEREBY ORDERED that the petition for a writ of habeas corpus is dismissed.

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

*Anna A. Nakayama*

*Genoa E. Duffy, Jr.*

*Mark E. Recktenwald*