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Supreme Court  
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SCWC-11-0000585

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Respondent/Plaintiff-Appellee,

vs.

TEVITA UNGOUNGA, Petitioner/Defendant-Appellant.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-11-0000585; CR. NO. 10-1-1738)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI  
(By: Nakayama, Acting C.J., Acoba, and McKenna, JJ.  
Circuit Judge Browning, in place of Recktenwald, C.J., recused,  
and Circuit Judge Nacino, in place of Pollack, J., recused)

Petitioner/Defendant-Appellant Tevita Ungounga's application for writ of certiorari filed on April 2, 2013, was filed more than thirty days after the filing of the ICA's December 18, 2012, judgment on appeal. The application is untimely and thus, this courts lacks appellate jurisdiction. See Hawai'i Revised Statutes § 602-59(c) (Supp. 2011); Hawai'i Rules of Appellate Procedure Rule 40.1(a). Therefore,

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

DATED: Honolulu, Hawai'i, May 15, 2013.

Walter J. Rodby  
for petitioner

/s/ Paula A. Nakayama

Debbie L. Tanakaya  
for respondent

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ R. Mark Browning

/s/ Edwin C. Nacino

