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Supreme Court
SCWC-30446
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SCWC-30446

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Respondent/Plaintiff-Appellee,

vs.

MANUEL J. MENENDEZ, JR., Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 30446; 1DTI-09-069033)

SUMMARY DISPOSITION ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Petitioner/Defendant-Appellant Manuel J. Menendez, Jr. (Petitioner) seeks review of the January 10, 2013 Judgment on Appeal of the Intermediate Court of Appeals (ICA) filed pursuant to its December 10, 2012 Summary Disposition Order (SDO),¹

¹ The SDO was filed by Presiding Judge Katherine G. Leonard and Associate Judges Lawrence M. Reifurth and Lisa M. Ginoza.

vacating the Notice of Entry of Judgment and/or Order and Plea/Judgment entered by the District Court of the First Circuit (district court) on April 8, 2010,² and remanding to the district court for dismissal without prejudice.

In his application for writ of certiorari, Petitioner contends that the ICA erred by refusing to address the issue of sufficiency of the evidence to support the excessive speeding conviction.

However, Petitioner did not raise this issue in his Opening Brief in compliance with Hawai'i Rules of Appellate Procedure Rule 28(b). See also State v. Davis, No. SCWC-12-0000074 (Haw. Feb. 26, 2014). Accordingly,

IT IS HEREBY ORDERED that the January 10, 2013 Judgment on Appeal of the ICA is affirmed.

DATED: Honolulu, Hawai'i, February 27, 2014.

Earle A. Partington
for petitioner

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack



² The Honorable Clarence A. Pacarro presided.