

NO. CAAP-14-0000825

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

ROLAND I. KEHANO, SR., Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(S.P.P. NO. 13-1-0014 (CR. NO. 92-0560))

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Leonard and Reifurth, JJ.)

Petitioner-Appellant pro se Roland I. Kehano, Sr. (**Kehano**) appeals from the Circuit Court of the Second Circuit's (**circuit court**)¹ April 3, 2014 "Findings of Fact, Conclusions of Law, And Judgment Denying Rule 40 Petition For Post-Conviction Relief" relating to his conviction in Criminal No. 92-0560; and the May 5, 2014 "Order Denying Motion For Reconsideration."

In Criminal No. 92-0560, the circuit court entered judgments of conviction against Kehano for murder in the second degree (**Count One**); possession or use of a firearm in the commission of a felony (**Count Two**); and keeping a firearm in an illegal place (**Count Three**). Kehano was sentenced to imprisonment for consecutive terms of life imprisonment with the possibility of parole for Count One, twenty years for Count Two,

¹ The Honorable Peter T. Cahill presided.

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and ten years for Count Three. In appellate court case no. 20392, the Hawai'i Supreme Court affirmed the conviction against Kehano. On March 8, 2004, the circuit court denied Kehano's first Hawai'i Rules of Penal Procedure (**HRPP**) Rule 40 petition for post-conviction relief in S.P.P. no. 03-1-0017.

On December 27, 2013, Kehano filed another HRPP Rule 40 petition for post-conviction relief in case no. S.P.P. 13-1-0014. (**Second HRPP Rule 40 Petition**) On March 25, 2014, Respondent-Appellee State of Hawai'i filed a memorandum in response to Kehano's Second HRPP Rule 40 Petition.

On April 3, 2014, the circuit court denied the Second HRPP Rule 40 Petition. On April 3, 2014, the circuit court clerk served on Kehano, by way of mail, a copy of the order denying Kehano's Second HRPP Rule 40 Petition. On May 1, 2014, Kehano's filed a post-judgment motion for reconsideration of the order denying his Second HRPP Rule 40 Petition.

On May 5, 2014, the circuit court entered a post-judgment order denying the motion for reconsideration of the Second HRPP Rule 40 Petition. On May 9, 2014, Kehano submitted a signed document, deemed as a notice of appeal, that does not designate any specific judgment or order. The appellate court filed this document on May 14, 2014 creating this appeal.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, as well as the relevant statutory and case law, we conclude Kehano's appeal is without merit.

Kehano's Second HRPP Rule 40 Petition is patently frivolous, the issues have been previously raised and ruled upon or waived. HRPP Rule 40(g)(2).

Therefore,

IT IS HEREBY ORDERED that the Circuit Court of the Second Circuit's April 3, 2014 "Findings of Fact, Conclusions of

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Law, And Judgment Denying Rule 40 Petition For Post-Conviction Relief"; and May 5, 2014 "Order Denying Motion For Reconsideration" are affirmed.

DATED: Honolulu, Hawai'i, July 29, 2015.

On the briefs:

Roland I. Kehano, Sr.
Petitioner-Appellant pro se.

Presiding Judge

Artemio C. Baxa
Deputy Prosecuting Attorney
County of Maui
for Respondent-Appellee.

Associate Judge

Associate Judge