

NO. 30137

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GERALD VILLANUEVA, Petitioner-Appellant,

vs.

STATE OF HAWAI'I, Respondent-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND DISTRICT
(SPP NO. 09-1-0021 (CR. NO. 96-0078))

KIHAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2010 APR -7 AM 9:39

FILED

ORDER

(By: Duffy, J. for the court¹)

Upon consideration of movant Gerald Villanueva's "motion to grant the common law writ of habeas corpus," which is deemed filed on March 18, 2010 and which is treated as a motion for reconsideration of this court's February 4, 2010 order denying movant's February 1, 2010 "motion to the supreme court to issue writ of habeas corpus," it appears that the motion for reconsideration 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,

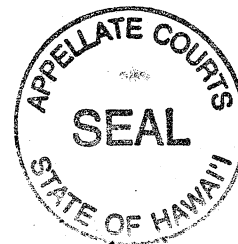
IT IS HEREBY ORDERED that the motion for reconsideration is dismissed.

DATED: Honolulu, Hawai'i, April 7, 2010.

FOR THE COURT:

James E. Duffy, Jr.

Associate Justice



¹ Considered by: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.