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Supreme Court
SCWC-30331
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NO. SCWC-30331

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KIM R. MASSEY, Petitioner/Defendant-Appellant,

vs.

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

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 30331; CR. NO. 06-1-2105)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, Acoba, Duffy, and McKenna, JJ.)

Petitioner/Defendant-Appellant Kim R. Massey's application for writ of certiorari, filed on September 27, 2011, was filed more than ninety days after the filing of the ICA's June 27, 2011 judgment on appeal. The application is untimely and thus, this court lacks appellate jurisdiction. See HRS § 602-59(c) (Supp. 2010); HRAP Rule 40.1(a). Therefore,

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

DATED: Honolulu, Hawai'i, November 1, 2011.

Barry L. Sooalo,
on the application for
petitioner/defendant-
appellant.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

