

**Electronically Filed
Supreme Court
SCWC-11-0000472
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SCWC-11-0000472

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOHN EMERY KNIGHT, Petitioner/Petitioner-Appellant,

vs.

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

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP 11-0000472; S.P.P. NO. 10-1-0052; CR. NO. 91-2108)

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

It appearing that the judgment on appeal in the above-referenced matter has not been entered by the Intermediate Court of Appeals, see Hawai'i Revised Statutes § 602-59(a) (Supp. 2011); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b) (1) (2012),

IT IS HEREBY ORDERED that Petitioner/Petitioner-Appellant's application for writ of certiorari, filed December 31, 2012, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2012) ("The application shall be filed within thirty days after the filing of

the intermediate court of appeals' judgment on appeal or dismissal order, unless the time for filing the application is extended in accordance with this rule.").

DATED: Honolulu, Hawai'i, January 10, 2013.

John Emery Knight,
petitioner/petitioner-appellant
pro se

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Rhonda A. Nishimura

/s/ Richard K. Perkins

