Electronically Filed Supreme Court SCWC-13-0005273 28-OCT-2014 11:04 AM

SCWC-13-0005273

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM A. CORNELIO, III, Petitioner/Petitioner-Appellant,

vs.

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

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CAAP-13-0005273; S.P.P. NO. 13-1-0007(2); CR. NO. 94-0590(2))

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

It appearing that the judgment on appeal in the abovereferenced matter not having been filed by the Intermediate Court of Appeals at the time the application for writ of certiorari was filed, <u>see</u> Hawai'i Revised Statutes § 602-59(a) (Supp. 2013); <u>see</u> <u>also</u> 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 October 16, 2014, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2014) ("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, October 28, 2014.

William A. Cornelio, III petitioner pro se

/s/ Mark E. Recktenwald

- /s/ Paula A. Nakayama
- /s/ Sabrina S. McKenna
- /s/ Richard W. Pollack
- /s/ Michael D. Wilson

