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Supreme Court  
SCWC-13-0000056  
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SCWC-13-0000056

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

JOHN ALBERT WAGNER,  
Petitioner/Defendant-Appellant.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-13-0000056; CR. NO. 11-1-001K)

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 above-referenced matter not having been filed by the Intermediate Court of Appeals at the time the application for writ of certiorari was filed, see Hawai'i Revised Statutes § 602-59(a) (Supp. 2013); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2015),

IT IS HEREBY ORDERED that Petitioner/Defendant-Appellant's application for writ of certiorari, filed December 14, 2015, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) (2015) ("The application shall be filed within 30 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 13, 2016.

John Albert Wagner  
petitioner pro se

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

