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Supreme Court
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SCWC-23-0000736

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

GARRETH A. GRAHAM,
Petitioner/Petitioner-Appellant,

vs.

HAWAI‘I PAROLING AUTHORITY; STATE OF HAWAI‘I,
Respondents/Respondents-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-23-0000736; CASE NO. 1CPN-19-0000005 (1PC940001048))

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI
(By: McKenna, Acting C.J., Eddins, Ginoza, and Devens, JJ., and
Circuit Judge Nakamoto, assigned by reason of vacancy)

This court construes Petitioner Gareth A. Graham’s
(Graham) “‘Notice of Appeal’ regarding my application for writ
of certiorari to the Supreme Cout of Hawai‘i,” received by the
appellate clerk on December 12, 2025, as an application for writ
of certiorari (**application**). As of December 12, 2025, the
Intermediate Court of Appeals (**ICA**) had not yet filed a Judgment
on Appeal. The ICA filed its Judgment on Appeal on January 12,
2026.

Therefore, IT IS HEREBY ORDERED that Graham's application is dismissed without prejudice to re-filing the application pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 40.1(a) (2020) ("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." (emphasis added)).

Graham also filed a letter received by the appellate clerk on January 20, 2026, notifying this court that he wishes to "withdraw the Notice of Appeal regarding the Application For Writ of Certiorari" filed on December 12, 2025. This court construes the letter as a motion to withdraw the application (**motion**).

IT IS HEREBY FURTHER ORDERED that the motion is dismissed as moot.

DATED: Honolulu, Hawai'i, January 26, 2026.

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

/s/ Henry T. Nakamoto

