

**Electronically Filed  
Supreme Court  
SCWC-30507  
05-MAR-2012  
02:38 PM**

NO. SCWC-30507

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

---

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

vs.

DAVID SCRIVNER, Petitioner/Defendant-Appellant.

---

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(ICA NO. 30507; S.P.P. 07-1-00032)

ORDER DISMISSING APPLICATION FOR WRIT OF CERTIORARI

(By: Recktenwald, C.J., Nakayama,  
Acoba, Duffy, and McKenna, JJ.)

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. 2008); see also Hawai'i Rules of Appellate Procedure (HRAP) Rule 36(b)(1) (2008),

IT IS HEREBY ORDERED that Petitioner/Defendant-Appellant's application for writ of certiorari, filed February 28, 2012, is dismissed without prejudice to re-filing the application pursuant to HRAP Rule 40.1(a) ("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, March 5, 2012.

Walter J. Rodby,  
for petitioner/  
defendant-appellant,  
on the application.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

