

NO. SCWC-29846

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner/Plaintiff-Appellee

vs.

LYLE SHAWN BENSON, Respondent/Defendant-Appellant

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 07-1-0456(3))

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI
(By: Acoba, J., for the court¹;
and Recktenwald, C.J., dissenting)

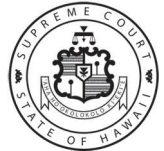
The Application for Writ of Certiorari filed on October 27, 2010 by Petitioner/Plaintiff-Appellee State of Hawai'i is hereby rejected.

DATED: Honolulu, Hawai'i, December 9, 2010.

FOR THE COURT:

/s/ Simeon R. Acoba, Jr.

Associate Justice



Richard K. Minatoya, Deputy
Prosecuting Attorney, County of Maui,
on the application for
petitioner/plaintiff-appellee.

Karen T. Nakasone, Deputy
Public Defender, on the
response for respondent/
defendant-appellant.

¹ Considered by: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Border, assigned due to a vacancy.