IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

VS.

ALVIN J. K. KAPAHUA, JR., Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CR. NO. 08-1-0366)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI (By: Moon, C.J., for the court¹)

Petitioner/defendant-appellant Alvin J. K. Kapahua, Jr.'s application for writ of certiorari, filed may 6, 2010, is hereby rejected.

DATED: Honolulu, Hawai'i, June 2, 2010.

Taryn R. Tomasa, Deputy Public Defender, for petitioner/defendantappellant

Chief Justice

FOR THE COURT:

 $^{^{\}mbox{\tiny 1}}\mbox{Considered}$ by: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.