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Supreme Court  
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SCWC-11-0000107

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

BRIAN PAUL SIMON, Petitioner/Defendant-Appellant.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-11-0000107; CASE NO. 3DTA-10-00395)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI  
(By: Recktenwald, C.J., Nakayama, and McKenna, JJ., with  
Acoba, J., dissenting separately, with whom Pollack, J., joins)

Petitioner/Defendant-Appellant Brian Paul Simon's  
application for writ of certiorari filed on January 23, 2013, is  
hereby rejected.

DATED: Honolulu, Hawai'i, February 27, 2013.

Robert D.S. Kim for  
petitioner

/s/ Mark E. Recktenwald

Linda L. Walton for  
respondent

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

