Electronically Filed Supreme Court SCWC-29746 14-DEC-2010 07:38 AM

NO. SCWC-29746

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

VS.

DAVID MAXWELL, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CASE NO. 1P10808566)

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

Petitioner/Defendant-Appellant David Maxwell's application for writ of certiorari filed on November 1, 2010, is hereby rejected.

DATED: Honolulu, Hawai'i, December 14, 2010.

FOR THE COURT:

Mail E. Rechtenwood

Chief Justice

John M. Tonaki, Public Defender, Jon N. Ikenaga, Deputy Public Defender, for petitioner/defendantappellant, on the application.

 $^{^{1}}$ Considered by: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Pollack, assigned by reason of vacancy.