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NO. CAAP-11-0000016

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v. MICHAEL C. TIERNEY, also known as, Michael C. King, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT (CRIMINAL NOS. 88-2209 & 89-0024)

ORDER DENYING MOTION FOR RECONSIDERATION EN BANC AND MOTION FOR CERTIFIED QUESTION OF CONFLICT (By: Foley, Presiding J., Reifurth and Ginoza, JJ.)

Upon consideration of the September 7, 2011 Motion for Reconsideration En Banc and Motion for Certified Question of Conflict, and the record and files herein,

> IT IS HEREBY ORDERED that the motions are denied. DATED: Honolulu, Hawai'i, September 16, 2011.

On the motion:

Michael C. Tierney, aka Michael C. King, Pro Se Defendant-Appellant Presiding Judge

Javanue M Reifute

Associate Judge

Associate Judge