

NO. 29130

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

RANDAL STRONG, JR., Petitioner-Defendant-Appellee,

and

MALIEPO SITANI, Defendant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 06-1-1400)

ORDER AFFIRMING JUDGMENT ON APPEAL

(By: Moon, C.J., Nakayama, and Recktenwald, JJ.;
Acoba, J., dissenting, with whom Duffy, J. joins)

Petitioner/defendant-appellee Randall Strong, Jr. timely filed a petition for writ of certiorari on February 11, 2010, seeking review of the judgment of the Intermediate Court of Appeals (ICA), filed on January 25, 2010, pursuant to its November 25, 2009 published opinion in the above-entitled matter. Therein, the ICA vacated the April 7, 2008 "Order Granting in Part and Denying in Part [Petitioner's] Motion to Suppress Evidence and Statements, Findings of Fact, and Conclusions of Law" of the Circuit Court of the First Circuit and remanded the matter to the trial court for further proceedings. This court accepted certiorari on March 23, 2010 and heard oral argument on May 6, 2010.

Upon careful review of the record and the papers submitted by the parties and having given due consideration to the arguments advanced and the issues raised, including the parties' respective oral arguments,

IT IS HEREBY ORDERED that the ICA's January 25, 2010 judgment on appeal is affirmed.

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

Benjamin E. Lowenthal (Richard D. Gronna, on the petition),
for petitioner/defendant-appellee,

Donn R. Fudo, Deputy
Prosecuting Attorney, for
respondent/plaintiff-appellant