

NO. 29445

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner-Plaintiff-Appellee

vs.

CEDRIC K. KIKUTA, Respondent-Defendant-Appellee

K. HAYAKAWA  
CLERK, APPELLATE COURT  
STATE OF HAWAI'I

2010 SEP 20 PM 3:12

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(FC-CR. NO. 07-1-0056)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI

(By: Nakayama, J., for the court<sup>1</sup> and)

Acoba, J., dissenting, with whom Wilson, Substitute J., joins

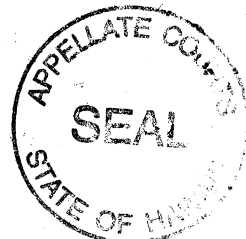
Petitioner-Plaintiff-Appellee's application for writ of certiorari filed on August 3, 2010, is hereby accepted and will be scheduled for oral argument. The parties will be notified by the appellate clerk regarding scheduling.

DATED: Honolulu, Hawai'i, September 20, 2010.

FOR THE COURT:

*Pama A. Nakayama*

Associate Justice



DISSENT BY ACOBA, J., WITH WHOM WILSON, J., JOINS

I dissent to the acceptance of certiorari and would reject the application.

Douglas S. Chin, Acting  
Prosecuting Attorney and  
Anne K. Clarkin, Deputy  
Prosecuting Attorney, for  
petitioner-plaintiff-appellee  
on the application

*[Handwritten signatures]*

<sup>1</sup>Considered by: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Wilson, in place of Moon, C.J., recused and retired.