

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-Appellant.

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 court¹ 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:

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

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