Electronically Filed Supreme Court SCWC-29967 03-FEB-2011 08:14 AM

NO. SCWC-29967

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

AIDA GORDON, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (ICA NO. 29967; CASE NO. 1DTC-08-044528)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI (By: Recktenwald, C.J., for the court<sup>1</sup>; and Duffy, J., dissenting, with whom Acoba, J., joins)

Petitioner/Defendant-Appellant Aida Gordon's

application for writ of certiorari filed on December 22, 2010, is hereby rejected.

DATED: Honolulu, Hawai'i, February 3, 2011.

FOR THE COURT:

Mail E. Rechtenudd

Chief Justice

Stuart N. Fujioka for petitioner/defendantappellant on the application.

<sup>&</sup>lt;sup>1</sup> Considered by: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Ahn, assigned by reason of vacancy.