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SCWC-29993

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

VS.

MICHAEL C. TIERNEY, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (ICA NO. 29993; CR. NO. 08-1-0869)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI (By: Nakayama, J., for the court1)

Petitioner/Defendant-Appellant's application for writ of certiorari filed on January 27, 2011, is hereby rejected.

DATED: Honolulu, Hawai'i, March 7, 2011.

FOR THE COURT:

/s/ Paula A. Nakayama

Associate Justice



Michael C. Tierney petitioner/defendant-appellant on the application

Delanie D. Prescott-Tate, Deputy Prosecuting Attorney, for respondent/plaintiff-appellee

 $<sup>^{1}</sup>$ Considered by: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Pollack, assigned by reason of vacancy.