

Electronically Filed
Supreme Court
SCWC-29971
26-MAY-2011
08:23 AM

NO. SCWC-29971

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

BRIAN L. STANTON, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 29971; CR. NO. 08-1-1801)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI

(By: Recktenwald, C.J., for the court¹,
with Acoba, J., dissenting separately)

Petitioner/Defendant-Appellant Brian L. Stanton's
application for writ of certiorari filed on April 14, 2011, is
hereby rejected.

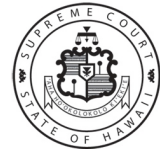
DATED: Honolulu, Hawai'i, May 26, 2011.

FOR THE COURT:

Taryn R. Tomasa, Deputy
Public Defender, for
petitioner/defendant-
appellant on the
application.

/s/ Mark E. Recktenwald

Chief Justice



DISSENT BY ACOBA, J.

I would grant the Application for Writ of Certiorari
inasmuch as the several errors, including the allowance of
rebuttal testimony, warrant a second review.

/s/ Simeon R. Acoba, Jr.

¹ Considered by: Recktenwald, C.J., Nakayama, Acoba, Duffy, and McKenna, JJ.