**Electronically Filed Supreme Court** SCWC-14-0000737 07-AUG-2015 02:15 PM

## SCWC-14-0000737

## IN THE SUPREME COURT OF THE STATE OF HAWAI'I

## DERRICK SMITH Petitioner/Petitioner-Appellant,

VS.

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

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CAAP-14-0000737; S.P.P. NO. 10-1-0007 (FC-CR NO. 03-1-0277))

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI (By: Recktenwald, C.J., Nakayama, McKenna, JJ., and Circuit Judge Chang, in place of Pollack, J., recused, with Wilson, J., dissenting separately)

Petitioner/Petitioner-Appellant Derrick Smith's Application for Writ of Certiorari filed on June 25, 2015, is hereby rejected.

DATED: Honolulu, Hawai'i, August 7, 2015.

Reginald P. Minn for petitioner

/s/ Paula A. Nakayama

/s/ Mark E. Recktenwald

Stephen K. Tsushima

/s/ Sabrina S. McKenna

/s/ Gary W.B. Chang

for respondent

