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SCWC-29926

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

VS.

ADAM IKAIKA IKEDA, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CASE NO. 1DTC-09-047483)

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

Petitioner's application for writ of certiorari filed on July 15, 2011, is hereby rejected.

DATED: Honolulu, Hawai'i, August 16, 2011.

FOR THE COURT:

/s/ Paula A. Nakayama

Associate Justice



## DISSENT BY ACOBA, J.

I disagree with rejection of cert and would accept the application for the apparent error in the ICA's majority opinion.

Phyllis J. Hironaka, Deputy Public Defender, for Petitioner on the application /s/ Simeon R. Acoba, Jr.

 $<sup>^{1}</sup>$ Considered by: Recktenwald, C.J., Nakayama, Acoba, Duffy, and McKenna, JJ.