## NO. SCWC-30585

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

MARSHALL MARTINEZ, Petitioner/Petitioner-Appellant,

VS.

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

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (ICA NO. 30585; S.P.P. NO. 09-1-0009(1))

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, Acoba, and McKenna, JJ., and Circuit Judge Wilson, in place of Duffy, J., recused)

Petitioner-Petitioner-Appellant Marshall Martinez's application for writ of certiorari filed on February 17, 2012, is hereby rejected.

DATED: Honolulu, Hawai'i, March 27, 2012.

James S. Tabe, Deputy Public Defender, on the application for petitioner/ petitioner-appellant.

Artemio C. Baxa, Deputy Prosecuting Attorney, on the response for respondent/ respondent-appellee.

- /s/ Mark E. Recktenwald
- /s/ Paula A. Nakayama
- /s/ Simeon R. Acoba, Jr.
- /s/ Sabrina S. McKenna
- /s/ Michael D. Wilson

