

**Electronically Filed
Supreme Court
SCWC-29655
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NO. SCWC-29655

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

FRANCIS M. SHYANGUYA, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 29655; HPD CR. NO. 08347776)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, McKenna, and Pollack, JJ.,
and Acoba, J., concurring in part and dissenting in part)

Petitioner/Defendant-Appellant's Application for Writ
of Certiorari filed on September 24, 2012, is hereby accepted.

IT IS FURTHER ORDERED, that no oral argument will be
heard in this case. Any party may, within ten days and pursuant

to Rule 34(c) of the Hawai'i Rules of Appellate Procedure, move for retention of oral argument.

DATED: Honolulu, Hawai'i, November 8, 2012.

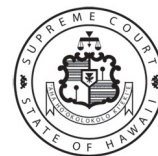
Jack Schweigert
for petitioner

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack



CONCURRENCE IN PART AND DISSENT IN PART BY ACOBA, J.

I concur in accepting the Application for Writ of Certiorari but dissent to the rejection of oral argument in this case.

/s/ Simeon R. Acoba, Jr.