

NO. 25544

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent-Appellee,

vs.

SCOTT BRIAN SMITH, Petitioner-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 99-0325(2))

ORDER DENYING APPLICATION FOR WRIT OF CERTIORARI
(By: Moon, C.J., for the court¹)

Petitioner-appellant Scott Brian Smith's application
for writ of certiorari, filed January 27, 2005, is hereby denied.

DATED: Honolulu, Hawai'i, February 4, 2005.

Shawn A. Luiz, for
petitioner-appellant,
on the writ

FOR THE COURT:

Chief Justice

¹ Considered by: Moon, C.J., Levinson, Nakayama, Acoba,
and Duffy, JJ.