

NO. 27321

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner/Plaintiff-Appellee

vs.

DEBRA JANE ROBERTSON, Respondent/Defendant-Appellant

EMERSON
CLERK APPELLATE COURTS
STATE HAWAII

2007 NOV -8 AM 11:25

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 02-1-0614)

ORDER AFFIRMING JUDGMENT ON APPEAL

(By: Levinson, Acoba, and Duffy, JJ.; and Moon, C.J.,
Dissenting, With Whom Nakayama, J., Joins)

Petitioner/Plaintiff-Appellee State of Hawai'i timely filed an application for a writ of certiorari from the judgment of the Intermediate Court of Appeals (ICA) filed on May 17, 2007, pursuant to its summary disposition order filed on March 29, 2007, which affirmed in part, reversed in part, and vacated in part the July 8, 2005 amended judgment of the Circuit Court of the Second Circuit. This court accepted certiorari on July 26, 2007, and subsequently ordered oral argument.

Upon careful review of the record and the briefs submitted by the parties, having given due consideration to the arguments advanced and the issues raised, and also having heard and carefully considered the parties' respective arguments at oral argument held on October 17, 2007,

IT IS HEREBY ORDERED that the ICA's May 17, 2007
judgment on appeal is affirmed.

DATED: Honolulu, Hawai'i, November 8, 2007.

Brandon L.K. Paredes,
Deputy Prosecuting Attorney,
County of Maui, for
petitioner/plaintiff-
appellee on the
application.

Steve A. Levinson

James E. Duffy, Jr.

Joyce K. Matsumori-Hoshijo,
for respondent/defendant-
appellant on the
supplemental brief.

James E. Duffy, Jr.