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NO. SCWC-30546

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

MATTHEW HIGA, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (ICA NO. 30546; CR. NO. 08-1-0132)

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

Petitioner/Defendant-Appellant Matthew Higa's

application for writ of certiorari filed on April 30, 2012, is

hereby rejected.

DATED: Honolulu, Hawai'i, June 12, 2012.

Lila Barbara Kanae for petitioner

/s/ Mark E. Recktenwald

Keith M. Kaneshiro, Prosecuting Attorney, and Donn Fudo, Deputy Prosecuting Attorney, for respondent

/s/ Simeon R. Acoba, Jr.

/s/ Paula A. Nakayama

- /s/ Karl K. Sakamoto

/s/ Sabrina S. McKenna