IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent-Appellee

vs.

CHARLES TIMOTHY CLUTE, Petitioner-Appellant

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CR. NO. 00-1-0069K)

Petitioner-Appellant's application for writ of certiorari filed on June 13, 2003, is hereby denied.

DATED: Honolulu, Hawai'i, June 23, 2003.

FOR THE COURT:

Associate Justice

Alfred P. Lerma, Jr., for petitioner-appellant on the writ

¹ Considered by: Moon, C.J., Levinson, Nakayama, and Acoba, JJ., and Circuit Judge Waldorf, assigned by reason of vacancy.