IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent-Plaintiff-Appellee

VS.

RONALD MONTGOMERY, Petitioner-Defendant-Appellant

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (FC-CR. NO. 99-0024)

ORDER DENYING APPLICATION FOR WRIT OF CERTIORARI

(By: Duffy, J. for the court¹)

Petitioner-Defendant-Appellant's application for writ of certiorari filed on January 20, 2004, is hereby denied.

DATED: Honolulu, Hawai'i, January 30, 2004.

FOR THE COURT:

Associate Justice

Chester M. Kanai for petitioner-defendantappellant on the writ

 $^{^{1}}$ Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, J.J.