IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

VS.

JOSEPH POOMAIHEALANI, Petitioner-Defendant-Appellant,

and

JOHN POOMAIHEALANI and BRANDON LIZARDO, Defendants.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CR. NO. 00-1-1714)

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

Petitioner-defendant-appellant Joseph Poomaihealani's application for writ of certiorari, filed August 30, 2004, is denied.

DATED: Honolulu, Hawai'i, September 9, 2004.

Keith S. Shigetomi, for petitioner-defendantappellant, on the writ FOR THE COURT:

Chief Justice

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