IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent-Appellee,

vs.

MARK ALAN MARTINS, Petitioner-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CR. NO. 00-1-0234(1))

ORDER GRANTING APPLICATION FOR WRIT OF CERTIORARI (By: Levinson, J., for the court¹)

Upon consideration of application for a writ of certiorari filed November 15, 2004, by the petitioner-appellant Mark Alan Martins, the same is hereby granted.

DATED: Honolulu, Hawai'i, November 23, 2004.

FOR THE COURT:

STEVEN H. LEVINSON Associate Justice

Joyce K. Matsumori-Hoshijo, for petitioner-appellant on the application

Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.