

NO. 24750

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

BARDWELL EBERLY,
Defendant-Appellant-Respondent.

K. HAMAKA'DO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2005 APR 18 PM 1:09

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 97-2172)

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

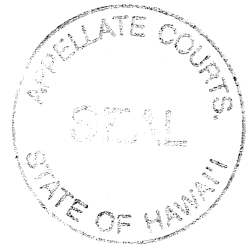
Upon consideration of application for a writ of certiorari filed April 12, 2005 by the plaintiff-appellee-petitioner State of Hawai'i, the same is hereby granted.

DATED: Honolulu, Hawai'i, April 18, 2005.

FOR THE COURT:

Steven H. Levinson

STEVEN H. LEVINSON
Associate Justice



Daniel H. Shimizu,
deputy prosecuting attorney,
for the plaintiff-appellee-petitioner
State of Hawai'i
on the writ

¹ Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.