

NO. 26592

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

ANDREW KAMANA'O,
Defendant-Appellant-Petitioner.

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2005 JUL -6 AM 9:22

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 56708)

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

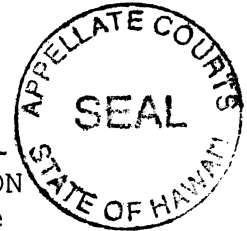
Upon consideration of the application for a writ of certiorari filed on June 27, 2005, by the defendant-appellant-petitioner Andrew Kamana'o, the same is hereby denied.

DATED: Honolulu, Hawai'i, July 6, 2005.

FOR THE COURT:

Steven H. Levinson

STEVEN H. LEVINSON
Associate Justice

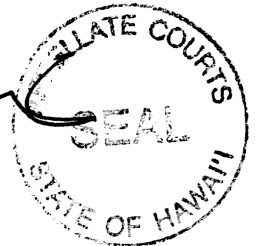


DISSENT BY ACOBA, J., IN WHICH DUFFY, J., JOINS

I respectfully dissent from the denial of certiorari. Based on my dissent in State v. Rivera, 106 Hawai'i 146, 102 P.2d 1044 (2004), I would grant certiorari and vacate the circuit court's sentence.

Mary Ann Barnard,
for defendant-appellant-
petitioner Andrew Kamana'o
on the writ

Mary Ann Barnard
Mary Ann Barnard



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