

NO. 26354

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent/Plaintiff-Appellee

vs.

WARREN K. ELICKER, Petitioner/Defendant-Appellant

and

ALBERT R. BATALONA and DAVID K. SCRIVNER, Defendants

NO. 26354 T. YARR
APPELLATE COURTS
STATE OF HAWAII

2006 APR 10 AM 9:25

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 03-1-0787)

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

The Application for Writ of Certiorari filed on March 31, 2006 by Petitioner/Defendant-Appellant Warren K. Elicker is hereby denied.

DATED: Honolulu, Hawai'i, April 10, 2006.

FOR THE COURT:

Steven H. Levinson

Associate Justice



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

I concur except with respect to the imposition of an extended sentence, based on my dissent in State v. White, 110 Hawai'i 79, --, 129 P.3d 1107, -- (2006).

Shawn A. Luiz, on the writ, for petitioner/defendant-appellant.

Shawn A. Luiz
Shawn A. Luiz, Jr.

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