

NO. 27476

IN THE SUPREME COURT OF THE STATE OF HAWAII

EMERIMARDO
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STATE OF HAWAII

2006 DEC 21 PM 2:27

FILED

STATE OF HAWAII,
Respondent/Plaintiff-Appellee/Cross-Appellant

vs.

IJEVA MATAVALE,
Petitioner/Defendant-Appellant/Cross-Appellee

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(FC-CRIMINAL NO. 05-1-1397)

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

Petitioner/Defendant-Appellant/Cross-Appellee Ijeva Matavale's application for a writ of certiorari filed on November 27, 2006, is hereby accepted and will be scheduled for oral argument on the following sole issue: "whether the Family Court committed reversible error when it instructed the jury to continue deliberations and directed the jury to a previously-promulgated instruction after the jury had indicated that it was deadlocked." The parties will be notified by the appellate clerk regarding scheduling.

IT IS FURTHER ORDERED that the parties may, within 30 days from the date of this order, file a supplemental brief

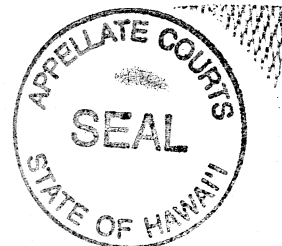
¹ Court: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

addressing the sole issue to be discussed in oral argument. The supplemental briefs shall not exceed 10 pages.

DATED: Honolulu, Hawai'i, December 21, 2006.

FOR THE COURT:

Ramon E. Dullay Jr.
Associate Justice



Katie L. Lambert,
and Deborah L. Kim,
Deputy Public Defenders
for petitioner/defendant-
appellant/cross-appellee
on the application