IN THE SUPREME COURT OF THE STATE

STATE OF HAWAI'I, Plaintiff-Appellee-Respondent, The Property of the STATE of HAWAI'I, Plaintiff-Appellee-Respondent, The Property of the STATE of HAWAI'I, Plaintiff-Appellee-Respondent, The Property of the STATE of t RIMANDO

> CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (Case No. TRP2 1P102-05990, HPD No. 02211575)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI Levinson, J., for the court<sup>1</sup>, and Acoba, J., dissenting separately)

Upon consideration of the application for writ of certiorari filed on September 5, 2007 by the defendant-appellantpetitioner Kun Ok Cho, the application is hereby rejected.

DATED: Honolulu, Hawai'i, October 12, 2007.

FOR THE COURT:

STEVEN H. LEVINSON

Associate Justice

Dwight C.H. Lum, for the defendant-appellant-petitioner Kun Ok Cho, on the application

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