IN THE SUPREME COURT OF THE STATE OF HAWAI

RODNEY TORRES, Petitioner/Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent/Respondent-Appellee

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (S.P.P. NO. 04-1-0007K; CR. NO. 94-076K)

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

The Application for Writ of Certiorari filed on January 6, 2009 by Petitioner/Petitioner-Appellant Rodney Torres is hereby rejected.

DATED: Honolulu, Hawai'i, February 10, 2009.

FOR THE COURT:

Associate Justice

John L. Olson, on the application for petitioner/petitionerappellant.

Circuit Judge Ayabe, assigned by reason of vacancy.