

NO. 28850

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Respondent/Plaintiff-Appellee

vs.

DWAYNE KELLY, Petitioner/Defendant-Appellant

EMERSON  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2009 MAY 26 PM 3:00

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CR. NO. 05-1-2639)

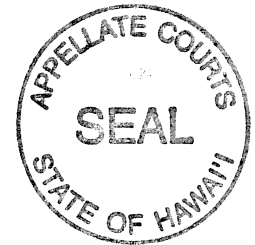
ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI  
(By: Duffy, J., for the court<sup>1</sup>)

Petitioner/Defendant-Appellant Dwayne Kelly's application for writ of certiorari, filed on April 13, 2009, is hereby rejected.

DATED: Honolulu, Hawai'i, May 26, 2009.

FOR THE COURT:

*Kames E. Duffy, Jr.*  
Associate Justice



Karen T. Nakasone,  
Deputy Public Defender,  
for petitioner/defendant-  
appellant on the application

Donn Fudo, Deputy  
Prosecuting Attorney,  
for respondent/plaintiff-  
appellee on the response

<sup>1</sup> Considered by: Moon, C.J., Nakayama, Acoba, Duffy, JJ., and Circuit Judge Hirai, assigned by reason of vacancy.