IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent/Plaintiff-Appellee,

vs.

WILLIAM D. ALSTON, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CR. NO. 05-1-0936)

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

Petitioner/Defendant-Appellant William D. Alston's application for writ of certiorari filed on July 23, 2009, is hereby rejected.

DATED: Honolulu, Hawai'i, August 27, 2009.

FOR THE COURT:

Associate Justice

Mun &. Reculewell

 $^{^{\}rm 1}$ Considered by: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.