

NO. 28083

IN THE SUPREME COURT OF THE STATE OF HAWAII

JUSTIN VANDENBERG, Petitioner-Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Respondent-Appellee.

NORMA TAYARA
CLERK APPELLATE COURTS
STATE OF HAWAII

2009 OCT -9 PM 12:14

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(S.P.P. NO. 05-1-0029)

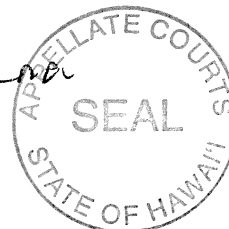
ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI
(By: Nakayama, J., for the court¹)

Petitioner-Petitioner-Appellant's application for writ of certiorari filed on August 25, 2009, is hereby rejected.

DATED: Honolulu, Hawai'i, October 9, 2009.

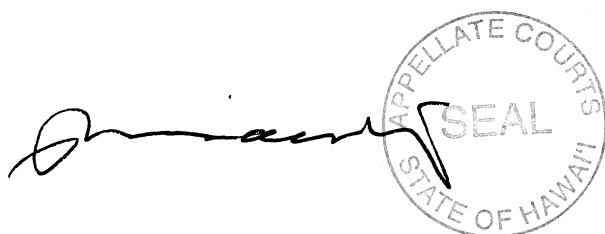
FOR THE COURT:

Auna C. Nakayama
Associate Justice



DISSENT BY ACOBA, J.

I dissent and would accept certiorari.



Dwight C.H. Lum for
petitioner-petitioner-
appellant on the writ

¹Considered by: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Trader, in place of Recktenwald, J., recused.