

NO. 22444

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent-Appellant

vs.

BARDWELL EBERLY, Petitioner-Appellee

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 97-2172)

ORDER DISMISSING CERTIORARI PROCEEDING

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon further consideration of the records and files in this case, it appears that the writ of certiorari herein was improvidently granted. Therefore,

IT IS HEREBY ORDERED that this certiorari proceeding is dismissed.

DATED: Honolulu, Hawai'i, January 16, 2001.

On the briefs:

Chester M. Kanai for
petitioner-appellee

Caroline M. Mee,
Deputy Prosecuting
Attorney, for
respondent-appellant