

NO. 23823

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

GARDINER B. SMITH, III, Defendant-Appellant-Petitioner.

APPEAL FROM THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 99-1186)

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

Upon consideration of application for a writ of certiorari filed November 20, 2001 by the defendant-appellant-petitioner Gardiner B. Smith, III, the same is hereby denied.

DATED: Honolulu, Hawai'i, November 29, 2001.

FOR THE COURT:

STEVEN H. LEVINSON
Associate Justice

Michael G.M. Ostendorp
for the defendant-
appellant-petitioner
on the writ

¹ Considered by: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.