

NO. 24209

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

GARY GILBERT GUNSON, Defendant-Appellant-Petitioner.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CR. NO. 00-1-0861)

ORDER DISMISSING CERTIORARI PROCEEDING

(By: Moon, C.J., Levinson, and Nakayama, JJ., and Circuit Judge Kochi, assigned by vacancy, and Acoba, J., dissenting)

On March 18, 2003, we granted the petition for a writ of certiorari filed on March 10, 2003 by the defendant-appellant-petitioner Gary Gilbert Gunson. 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, December 17, 2003.

James S. Gifford for
defendant-appellant-
petitioner on the writ