

NO. 25544

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Respondent-Appellee,

vs.

SCOTT BRIAN SMITH, Petitioner-Appellant.

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CR. NO. 99-0325(2))

ORDER DENYING APPLICATION FOR WRIT OF CERTIORARI  
(By: Moon, C.J., for the court<sup>1</sup>)

Petitioner-appellant Scott Brian Smith's application  
for writ of certiorari, filed January 27, 2005, is hereby denied.

DATED: Honolulu, Hawai'i, February 4, 2005.

Shawn A. Luiz, for  
petitioner-appellant,  
on the writ

FOR THE COURT:

Chief Justice

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<sup>1</sup> Considered by: Moon, C.J., Levinson, Nakayama, Acoba,  
and Duffy, JJ.