

NO. 27555

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
RODNEY L. NICHOLSON, Defendant-Appellant

E.M. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2009 APR 30 AM 10:56

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CR. NO. 03-1-2404)

ORDER GRANTING STATE OF HAWAI'I'S MOTION FOR  
PUBLICATION OF SUMMARY DISPOSITION ORDER

(By: Nakamura, Presiding Judge, Fujise, and Leonard, JJ.)

On March 31, 2009, this court issued a Summary Disposition Order in this appeal. On April 8, 2009, Plaintiff-Appellee State of Hawai'i (State) filed a "Motion for Publication of Summary Disposition Order," (Motion for Publication) seeking to have this court's Summary Disposition Order issued as a published opinion.

Upon consideration of (1) the State's Motion for Publication and (2) Defendant-Appellant Rodney L. Nicholson's opposition to that motion,

IT IS HEREBY ORDERED that the State's Motion for Publication is granted.

IT IS FURTHER ORDERED that the March 31, 2009, Summary Disposition Order of the Intermediate Court of Appeals is vacated and that a published opinion will be issued.

DATED: Honolulu, Hawai'i, April 30, 2009.

Deirdre Marie-Iha  
Deputy Solicitor General  
Dorothy D. Sellers  
Solicitor General  
Appellate Division  
Department of the Attorney General,  
on the motion for plaintiff-appellee

Shawn A. Luiz,  
on the opposition for  
defendant-appellant

*Craig W. Nakamura*  
Presiding Judge

*Auna Odu Fujise*  
Associate Judge

*[Signature]*  
Associate Judge