

FILED

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EM. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

NO. 28670

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
JOHN BILLAM-WALKER, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(FC-CR. NO. 06-1-1931)

ORDER GRANTING STATE OF HAWAII'S MOTION FOR PUBLICATION
OF SUMMARY DISPOSITION ORDER AND VACATING SUMMARY
DISPOSITION ORDER FILED ON JULY 20, 2009
(By: Foley, Presiding Judge, and Fujise, J.;
and Leonard, J., dissenting)

On July 20, 2009, this court issued a Summary
Disposition Order in this appeal. On July 27, 2009, Plaintiff-
Appellee State of Hawaii (State) filed a Motion for Publication
of Summary Disposition Order, seeking to have this court's
Summary Disposition Order issued as a published Opinion. On
July 31, 2009, Defendant-Appellant John Billam-Walker (Walker)
filed a memorandum in opposition to the motion.

Upon consideration of the State's motion for
publication and Walker's memorandum in opposition,

IT IS HEREBY ORDERED that the State's Motion for
Publication of Summary Disposition Order is granted.

IT IS FURTHER ORDERED that the July 20, 2009 Summary
Disposition Order of this court is vacated and an opinion for
publication will follow.

DATED: Honolulu, Hawai'i, August 11, 2009.


Presiding Judge


Associate Judge

Because I only concurred in the result of this Summary
Disposition Order, I would deny the motion for publication.


Associate Judge