

NO. 24750

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

BARDWELL EBERLY,  
Defendant-Appellant-Respondent.

K. HAMAKA'DO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2005 APR 18 PM 1:09

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CR. NO. 97-2172)

ORDER GRANTING APPLICATION FOR CERTIORARI  
(By: Levinson, J., for the court<sup>1</sup>)

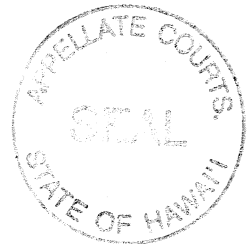
Upon consideration of application for a writ of certiorari filed April 12, 2005 by the plaintiff-appellee-petitioner State of Hawai'i, the same is hereby granted.

DATED: Honolulu, Hawai'i, April 18, 2005.

FOR THE COURT:

*Steven H. Levinson*

STEVEN H. LEVINSON  
Associate Justice



Daniel H. Shimizu,  
deputy prosecuting attorney,  
for the plaintiff-appellee-petitioner  
State of Hawai'i  
on the writ

---

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