NO. 25345

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent-Appellant OF HAWAI'I, Respondent OF HAWAI'I, Responde

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CR. NO. 01-1-0746)

ORDER DENYING APPLICATION FOR WRIT OF CERTIORARI (By: Moon, C.J., for the court¹)

Petitioner-appellee Jerry A. Gallardo's application for writ of certiorari, filed April 11, 2005 is denied.

DATED: Honolulu, Hawaiʻi, April 21, 2005.

Deborah L. Kim, Deputy Public Defender, for petitioner-appellee

FOR THE COURT:

Justice

¹ Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.