

NO. 27324

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner-Appellee,

vs.

ALEXA NITA RUSSELL, Respondent-Appellant

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

2006 DEC -4 PM 2:04

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CITATION NO. 2075937MH)

ORDER ACCEPTING PETITIONER/PLAINTIFF-APPELLEE
STATE OF HAWAII'S APPLICATION FOR WRIT OF
CERTIORARI AND REVERSING THE INTERMEDIATE COURT
OF APPEALS' JUNE 7, 2006 SUMMARY DISPOSITION ORDER
(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ.;
Levinson, J., dissenting)

Petitioner/appellee State of Hawaii's application for writ of certiorari, filed October 18, 2006, is hereby accepted, and having considered the arguments advanced,

IT IS HEREBY ORDERED that, in light of this court's recent opinion in State v. Ribbel, 111 Hawai'i 426, 142 P.3d 290 (2006), the summary disposition order, filed by the Intermediate Court of Appeals on June 7, 2006, is reversed, and the April 22, 2005 judgment of the District Court of the Third Circuit, is affirmed.

DATED: Honolulu, Hawai'i, December 4, 2006.

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Alexa Nita Russell
[Handwritten signature]
James S. Duffy, Jr.