

NO. 28849

IN THE SUPREME COURT OF THE STATE OF HAWAII

K. HAMAKA'AO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2009 FEB - 9 PM 1:56

FILED

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STATE OF HAWAII, Respondent/Plaintiff-Appellee

vs.

DOUGLAS MILLER, Petitioner/Defendant-Appellant

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(FC-CR NO. 07-1-0309)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI

(By: Acoba, J., for the court; and  
Nakayama, J., dissenting, with whom Hirai, J., joins<sup>1</sup>)

Petitioner/Defendant-Appellant Douglas Miller's application for writ of certiorari, filed on December 24, 2008, is accepted and will be scheduled for oral argument. The parties will be notified by the appellate clerk regarding scheduling.

DATED: Honolulu, Hawai'i, February 9, 2009.

FOR THE COURT:

  
SIMEON R. ACOBA, JR.  
Associate Justice



Hayden Aluli, on the application, for petitioner/defendant-appellant.

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<sup>1</sup> Considered by: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Circuit Judge Hirai, assigned by reason of vacancy.