

NO. 22756

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

PETER ALVIN POAIPUNI, Defendant-Appellant.

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 98-0386(1))

ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, Acoba, JJ., and
Nakayama, Ramil, JJ., dissenting)

Upon consideration of the motion for reconsideration,
filed by the plaintiff-appellee, State of Hawaii, on May 24,
2002, requesting that this court review its opinion, filed on May
14, 2002,

IT IS HEREBY ORDERED that the motion for
reconsideration is granted in part as follows (deletions are in
bracket and corrections are in **bold**):

The words [unlawfully obtained] are amended to **unlawful**
in the following pages as enumerated:

- 1) Page 2, lines 7 and 16;
- 2) Page 3, line 4;
- 3) Page 13, lines 5 and 9;
- 4) Page 15, line 23;
- 5) Page 16, line 3; and
- 6) Page 17, line 1.

IT IS FURTHER ORDERED that the motion for reconsideration is denied in all other respects.

The Clerk of the Court is directed to incorporate the foregoing changes into the original opinion.

DATED: Honolulu, Hawai'i, June 21, 2002.

Justice Nakayama and Justice Ramil, having dissented from the majority opinion, would grant the motion for reconsideration in its entirety.

Arleen Y. Watanabe (DPA),
for the plaintiff-appellee
State of Hawai'i, on the motion