

NO. 23203

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

DAN CUNNINGHAM, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT COURT
(CASE NO. CTR-1 OF 10/6/94)

ORDER GRANTING MOTION FOR RECONSIDERATION

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

Upon consideration of Appellant Dan Cunningham's motion to reconsider the order dismissing his appeal for nonpayment of the filing fee, the papers in support, and the records and files herein, it appears that Appellant paid the filing fee after the supreme court clerk's office informed Appellant that the record on appeal was in default for nonpayment of the filing fee.

Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is granted, and this appeal is reinstated.

IT IS FURTHER ORDERED that the supreme court clerk's office shall docket the record forthwith.

DATED: Honolulu, Hawai'i, September 6, 2000.

Dan Cunningham,
defendant-appellant,
on the motion.