*** FOR PUBLICATION ***

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellant

VS.

BRANDI HIGA, Defendant-Appellee

NO. 23262

MOTION FOR RECONSIDERATION (CR. NO. 99-1496)

SEPTEMBER 17, 2003

MOON, C.J., LEVINSON, NAKAYAMA, ACOBA, JJ., AND CIRCUIT JUDGE ALM, ASSIGNED BY REASON OF VACANCY

The motion for reconsideration filed by Defendant-Appellee Brandi Higa, requesting that the court reconsider its Published Opinion, filed on July 29, 2003, is hereby denied.

Stephanie R. Sato, Deputy Public Defender, for defendant-appellee on the motion