

NO. 23456

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee

vs.

MARK MATSON, Defendant-Appellant

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APPEAL FROM THE FIRST CIRCUIT COURT

(CR. NO. 99-0794)

ORDER GRANTING MOTION FOR RECONSIDERATION IN PART

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

Upon consideration of Defendant-appellant Mark Matson's motion for reconsideration of the summary disposition order filed on July 25, 2002, the papers in support, and the record & files herein,

IT IS HEREBY ORDERED that the motion for reconsideration is granted in part and the amended summary disposition order shall be amended to reflect that the admission of Complainant's previously undisclosed testimony did not violate Hawai'i Rules of Evidence (HRE) Rules 404(b) or 403 because it, among other things, did not contribute to his conviction and, therefore, was harmless beyond a reasonable doubt. A second amended summary disposition order shall follow.

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

DATED: Honolulu, Hawai'i, September 13, 2002.

David J. Minkin and  
Kenneth J. Mansfield  
for defendant-appellant  
on the motion