

NO. 23744

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

SAMUEL HARPER, Defendant-Appellant

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 00-1-0033)

ORDER DENYING MOTION FOR RECONSIDERATION
(By: Moon, C.J., Levinson, and Nakayama, JJ.,
Circuit Judge Alm, assigned by reason of vacancy,
and Acoba, J., dissenting)

Upon consideration of Appellant's motion for
reconsideration of the Summary Disposition Order filed on
February 13, 2004, and the record herein,

IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, March 5, 2004.

Based on the reasons set forth in my dissent to the
summary disposition order, I would grant the motion for
reconsideration.

Matthew S. Kohm
for defendant-appellant
on the motion