

NO. 24754

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellant

vs.

KELLY MONIZ, Defendant-Appellee

and

HENRY KEY, Defendant

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APPEAL FROM THE THIRD CIRCUIT COURT  
(CR. NO. 01-1-153)

ORDER DENYING MOTION FOR RECONSIDERATION<sup>1</sup>

The amended motion for reconsideration filed on January 3, 2003, by Defendant-Appellee Kelly Moniz, requesting that the court reconsider its Summary Disposition Order, filed on December 24, 2002, is hereby denied.

DATED: Honolulu, Hawai'i, January 24, 2003.

James S. Gifford, Deputy  
Public Defender, for  
defendant-appellee

Based on my dissenting opinion, I would grant reconsideration.

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<sup>1</sup>The motion for reconsideration was considered by: Moon, C.J., Levinson, Nakayama, and Acoba, JJ., and Circuit Judge Perkins, assigned by reason of vacancy.