

NO. 29191

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.  
ROBERT JAMES BEHRENDT aka RUNNING BEAR, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CR. NO. 07-1-0061K)

ORDER DENYING STATE OF HAWAII'S  
MOTION TO RECONSIDER BY ADDRESSING COUNT 4  
(By: Nakamura, C.J., Foley and Fujise, JJ.)

Upon consideration of the State of Hawaii's Motion to Reconsider by Addressing Count 4 and the supporting memorandum filed on November 13, 2009 and the records and files of this case,

IT IS HEREBY ORDERED that the motion is denied because Behrendt's conviction and sentence as to Count 4 was not raised in this appeal and therefore was not addressed. Count 4 remains undisturbed in this appeal's disposition.

DATED: Honolulu, Hawaii, November 24, 2009.

On the motion:  
Linda J. Walton,  
Deputy Prosecuting Attorney,  
County of Hawaii,  
for Plaintiff-Appellee.

Chief Judge

Associate Judge

Associate Judge