

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellant

vs.

RODNEY JOSEPH, JR., Defendant-Appellee

and

ETHAN MOTTA and KEVIN GONSALVES, Defendant

K. HAMAKA'DO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2006 FEB 17 AM 9:00

FILED

NO. 27001

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 04-1-0077)

FEBRUARY 17, 2006

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, Nakayama, Acoba, JJ., and
Intermediate Court of Appeals Associate Judge Watanabe
in Place of Duffy, J., Recused)

The motion for reconsideration of Plaintiff-Appellant
State of Hawai'i (Appellant) filed on February 10, 2006,
requesting that the majority of this court reconsider its opinion
filed on January 31, 2006, affirming the first circuit court's
November 4, 2004 order granting the Motion to Suppress Statement
and Evidence filed by Defendant-Appellee Rodney Joseph, Jr., is
hereby denied.

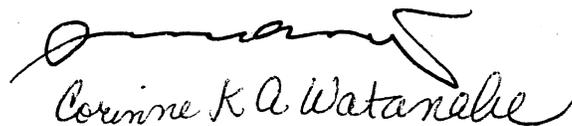
Appellant also seeks reconsideration of the concurring and dissenting opinion. Because issues presented by Appellant for the first time on motion for reconsideration will not be addressed, this aspect of the motion is also hereby denied.

James M. Anderson,
Deputy Prosecuting
Attorney, City & County
of Honolulu, on the
motion for plaintiff-
appellant.



Sten O. Levinson

Puna A. Nakamura



Corinne K. A. Watanabe