

NO. 29417

IN THE SUPREME COURT OF THE STATE OF HAWAII

DE MONT R. D. CONNER, Petitioner,

vs.

TODD THOMAS, WARDEN, SAGUARO CORRECTIONAL CENTER, Respondent.

ORIGINAL PROCEEDING

ORDER(By: Duffy, J. for the court<sup>1</sup>)

We have reviewed the "motion for clarification of order" dated November 12, 2008, post-marked December 4, 2008, and received and filed at the supreme court on December 9, 2008. The motion, notwithstanding its title, seeks reconsideration of the November 6, 2008 order denying the petition for writ of habeas corpus and is deemed a motion for reconsideration of the November 6, 2008 order. The motion for reconsideration should have been filed by November 16, 2008 and is untimely. See HRAP 40(a) ("A motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion, dispositional order, or ruling unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved."). Therefore,

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<sup>1</sup> Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

K. HAMAKAHO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2008 DEC 19 PM 1:09

FILED