

NO. 29993

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
MICHAEL C. TIERNEY, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 08-1-0869)

KHANAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2010 SEP 20 AM 9:04

FILED

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Fujise, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon consideration of the Defendant-Appellant Michael C. Tierney's Motion for Reconsideration En Banc, the papers in support, and the records and files herein, it appears that: (1) Appellant is seeking reconsideration of the August 26, 2010 order denying a motion for leave to file supplemental pro se briefs and motions; and (2) Appellant fails to show that the court overlooked or misapprehended any point of law or fact. See Martinez v. Court of Appeal of California, Fourth Appellate Dist., 528 U.S. 152 (2000) (a defendant does not have a federal constitutional right to represent himself on a direct appeal from a conviction). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, September 20, 2010.

Amanda M. Fujise
Presiding Judge

Lawrence M. Reifurth
Associate Judge

William H. Ginoza
Associate Judge