

NO. 28584

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I,  
Respondent/Plaintiff-Appellee,

vs.

ZACHARIAH IAN FITZWATER,  
Petitioner/Defendant-Appellant.

JEAN R. KIKUMOTO  
CLERK APPELLATE COURTS  
STATE OF HAWAII

2010 MAR 25 AM 9:15

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(HPD TRAFFIC NO. 1DTC-07-020562)

ORDER

(By: Recktenwald, J. for the court,<sup>1</sup>  
and Acoba, J., dissenting)

Upon consideration of petitioner/defendant-appellant's  
motion for reconsideration filed on March 15, 2010, and the  
record,

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

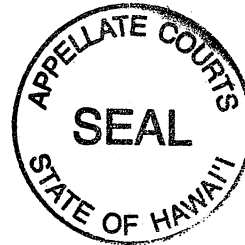
DATED: Honolulu, Hawai'i, March 25, 2010.

FOR THE COURT:

*Mona Recktenwald*

Associate Justice

Taryn R. Tomasa, Deputy  
Public Defender, on  
the motion for  
petitioner/defendant-  
appellant.



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