

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.

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

ORDER

(By: Recktenwald, J. for the court,¹
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:

Associate Justice

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

¹ Considered by: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.