

Electronically Filed  
Intermediate Court of Appeals  
CAAP-17-0000624  
05-JAN-2018  
11:33 AM

NO. CAAP-17-0000624

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

JAMES K. LIBERO, Petitioner-Appellant,  
v.  
STATE OF HAWAII, Respondent-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(S.P.P. NO. 17-1-0013(2))

ORDER GRANTING THE DECEMBER 29, 2017 MOTION FOR RECONSIDERATION  
(By: Nakamura, Chief Judge, and Fujise and Chan, JJ.)

Upon consideration of the Motion for Reconsideration, filed on December 29, 2017<sup>1/</sup> by Petitioner-Appellant James K. Libero (Appellant), pro se, and the files herein,

IT IS HEREBY ORDERED that the motion is granted. The December 8, 2017 Order Granting the November 9, 2017 Motion to Withdraw Appeal is vacated. The appeal and all pending motions that were dismissed as moot are reinstated.

IT IS HEREBY FURTHER ORDERED that Appellant's November 9, 2017 Motion to Withdraw Appeal is denied, Respondent-Appellee the State of Hawaii's November 30, 2017

---

<sup>1/</sup> Appellant's envelope is dated December 17, 2017 from K-Unit. Therefore, the Motion for Reconsideration was timely. Setala v. JC Penney, 97 Hawai'i 484, 40 P.3d 886 (2002).

Motion to Strike Opening Brief is denied, and the deadline to file the Answering Brief is extended to February 12, 2018.

DATED: Honolulu, Hawai'i, January 5, 2018.

  
Chief Judge

  
Associate Judge

  
Associate Judge