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NO. CAAP-22-0000596

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

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
JAMES GREEN, JR., Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CPC-21-0000417)

ORDER

(By: Leonard, Presiding Judge, Nakasone and Guidry, JJ.)

Upon consideration of Defendant-Appellant James Green, Jr.'s (**Green**) Motion For Reconsideration, filed on November 29, 2023, and the record, this court determines that reconsideration is warranted to amend the Summary Disposition Order, filed on November 20, 2023, as follows:

1. The first sentence of the last paragraph on page 12, including footnote 10, is deleted.

2. The first sentence of the first full paragraph on page 13 is amended to read, "We thus affirm the Judgment without prejudice to Green's filing of a petition for post-conviction relief, pursuant to HRPP Rule 40, to allow for the development of a factual record as to those contentions of ineffective assistance."

3. The last sentence of the disposition, on pages 13-14, is amended to add the word "amended" before "summary disposition order."

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration is granted in part, and an Amended Summary Disposition Order that incorporates the above amendments will be filed forthwith.

IT IS HEREBY FURTHER ORDERED that, in all other respects, the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, December 7, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge