

NO. 25271

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

ANDREW KAMANA'O, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 56708)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon consideration of the motion for reconsideration en banc of the denial of Appellant Kamanao's motion for advancement of transportation and per diem expenses, and for approval of necessary expenditures of chapter 802 HRS legal resources, the papers in support, and the records and files herein, it appears that: (1) counsel was appointed to represent Appellant in the appeal from an order denying Appellant's motion to correct illegal sentence; (2) Appellant stated in another motion filed in this appeal that the sole issue on appeal is whether the circuit court erred when it denied Appellant's motion to correct illegal sentence; (3) the circuit court based its ruling on the record and the entire record considered by the circuit court was transmitted to the supreme court and is available for review in the supreme court clerk's office; (4) counsel can confer with Appellant by telephone; and (5) HRS 802-5 and HRAP Rule 53(a),

which governs requests for attorneys' fees and expenses on appeal, do not provide for advance payment of expenses or advance approval of attorney's fees. Therefore,

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

DATED: Honolulu, Hawai'i, December 12, 2002.

David Glenn Bettencourt
for defendant-appellant
on the motion