

NO. 27505

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ANTHONY L. REGAN, Petitioner-Appellant,  
 vs.  
 STATE OF HAWAI'I, Respondent-Appellee.

KHAMAKA'DO  
 CLERK, APPELLATE COURTS  
 STATE OF HAWAII

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FILED

APPEAL FROM THE FIRST CIRCUIT COURT  
 (S.P.P. NO. 04-1-0076; (CR. NO. 01-1-2155))

ORDER

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

Upon consideration of appellant's October 17, 2007 motion to correct this court's October 10, 2007 order dismissing appellant's September 28, 2007 motion for reconsideration, the papers in support and the record,

IT IS HEREBY ORDERED that the October 17, 2007 motion is granted. The October 10, 2007 "Order Dismissing Second Motion for Reconsideration" is vacated.

IT IS FURTHER ORDERED that the September 28, 2007 motion for reconsideration is denied inasmuch as (1) the ten-day period for filing a motion for reconsideration of the August 31, 2007 summary disposition order commenced upon the filing of the order on August 31, 2007, not upon appellant's receipt of the order on September 7, 2007 and (2) the ten day period could have been extended only upon a request for extension made and granted within the original ten-day period. See HRAP 40(a) ("A motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion, dispositional order, or ruling

unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved.").

DATED: Honolulu, Hawai'i, November 6, 2007.

Aunna A. Nakayama

Kamoa E. Duff, Jr.