

NO. 28483

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellant,

vs.

BRIAN JESS, Defendant-Appellee.

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 APR 18 AM 10:30

FILED

RESERVED QUESTION FROM THE FIRST CIRCUIT COURT
(CR. NO. 00-1-0422)

ORDER DENYING MOTION FOR RECONSIDERATION

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

Upon consideration of the motion for reconsideration filed by the defendant-appellee Brian Jess on April 10, 2008, requesting that this court review its published opinion filed on March 31, 2007,

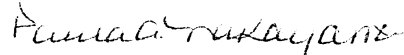
IT IS HEREBY ORDERED that the motion is denied.

DATED: Honolulu, Hawai'i, April 18, 2008.

David Glenn Bettencourt,
for the defendant-appellee,
on the motion



Steven Levinson



Anna Nakayama
Kamoa E. Duffy, Jr.

Based on my dissenting opinion, see State v. Jess, No. 28483, 2008 WL 837046 (Haw. Mar. 31, 2008), I respectfully dissent and would grant the motion for reconsideration.

