

NO. 29529

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SANDRA SUE DIAZ, Petitioner-Defendant

vs.

STEVEN S. ALM, Circuit Court Judge of  
the First Circuit, Respondent.

EMERSON  
CIRCUIT COURT  
STATE OF HAWAII

2008 DEC 30 AM 11:56

FILED

ORIGINAL PROCEEDING

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Duffy, J. for the court<sup>1</sup>)

Upon review of the Petitioner's Motion for Reconsideration, its appendices, and the record, it appears a judge has discretion to determine whether bail bond continues after conviction. See HRS § 804-6. Petitioner has not shown a flagrant and manifest abuse of that discretion and may seek review by way of appeal. See *State v. Lo*, 116 Hawai'i 23, 25-26, 169 P.3d 975, 977-976 (2007). Therefore,

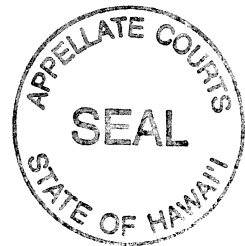
IT IS HEREBY ORDERED, pursuant to Rule 21(c) of the Hawai'i Rules of Appellate Procedure, that the application is denied.

DATED: Honolulu, Hawai'i, December 30, 2008.

FOR THE COURT:

*Steven S. Alm*

Associate Justice



I respectfully dissent and would grant the motion for reconsideration.

*[Handwritten signature]*

<sup>1</sup> Considered by: Moon, C.J., Levinson, Nakayama, and Duffy, JJ.; Acoba, J., Dissenting