

NO. 28584

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII,
Respondent/Plaintiff-Appellee,

vs.

ZACHARIAH IAN FITZWATER,
Petitioner/Defendant-Appellant.

JEAN R. KIKUMOTO
CLERK APPELLATE COURTS
STATE OF HAWAII

2010 MAR 25 AM 9:15

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(HPD TRAFFIC NO. 1DTC-07-020562)

ORDER

(By: Recktenwald, J. for the court,¹
and Acoba, J., dissenting)

Upon consideration of petitioner/defendant-appellant's
motion for reconsideration filed on March 15, 2010, and the
record,

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

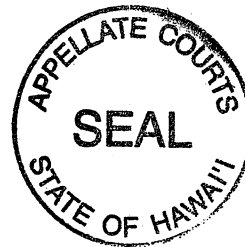
DATED: Honolulu, Hawaii, March 25, 2010.

FOR THE COURT:

Mona Recktenwald

Associate Justice

Taryn R. Tomasa, Deputy
Public Defender, on
the motion for
petitioner/defendant-
appellant.



¹ Considered by: Moon, C.J., Nakayama, Acoba, Duffy, and
Recktenwald, JJ.