

**Electronically Filed
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SCWC-14-0000987

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I,
Respondent/Plaintiff-Appellee,

vs.

DAVID T. FLEMING,
Petitioner/Defendant-Appellant,

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-14-0000987; CASE NO. 2PC061000570)

ORDER GRANTING MOTION FOR RECONSIDERATION IN PART

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of Petitioner's motion for reconsideration filed on April 20, 2021 and the record herein,

IT IS HEREBY ORDERED that the motion is granted in part.

IT IS FURTHER ORDERED that on the last paragraph of page 7 of the Summary Disposition Order the phrase, "if he is determined to be fit to proceed to trial" shall be deleted.

IT IS FURTHER ORDERED that the last paragraph on page 9 shall be corrected to read:

For the reasons set forth herein, the ICA's September 6, 2017 Judgment on Appeal, the circuit court's July 18, 2014 Judgment of Conviction and Sentence, and the circuit court's March 16, 2011 Findings of Fact, Conclusions of Law

and Order Denying Defendant's Motion for New Trial are vacated and the case is remanded to the circuit court for further proceedings consistent with this Summary Disposition Order.

The motion for reconsideration is denied in all other respects.

DATED: Honolulu, Hawai'i, April 29, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

