

**Electronically Filed
Supreme Court
SCPW-12-0001124
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SCPW-12-0001124

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent,

vs.

CHRISTOPHER LEE SLAVICK, Petitioner.

ORIGINAL PROCEEDING
(CR. NO. 04-1-1534)

ORDER DISMISSING MOTION FOR RECONSIDERATION

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioner Christopher Lee Slavick's letter to the court dated March 18, 2013, which was electronically filed on March 27, 2013, and which we review as a motion for reconsideration of the January 23, 2013 order denying the petition for a writ of prohibition, and the record, it appears that the request for reconsideration is untimely. 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."); see also Setala v. J.C. Penney Co.,

97 Hawai'i 484, 485, 40 P.3d 886, 887 (2002) (a document is deemed filed for purposes of a limitation deadline on the day it is tendered to a prison official by a pro se prisoner).

Therefore,

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

DATED: Honolulu, Hawai'i, April 3, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

