

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII, Plaintiff-Appellee

vs.

ETO BANI, Defendant-Appellant

NO. 22196

MOTION FOR CLARIFICATION AND ORDER OF AMENDMENT
(CR. NOS. 98-13141 and 98186306)

DECEMBER 6, 2001

MOON, C.J., LEVINSON, NAKAYAMA, and RAMIL, JJ.,
AND CIRCUIT JUDGE GRAULTY, ASSIGNED BY REASON OF VACANCY

Plaintiff-Appellee State of Hawaii's motion for clarification, filed on November 29, 2001, is granted. The opinion of the court, filed on November 21, 2001, is amended as follows (deleted material is bracketed and new material is underscored):

Page 3, first paragraph, third sentence:

In our view, the absence of any procedural safeguards in the public notification provision of HRS chapter 846E renders the [statute] public notification portion of HRS chapter 846E unconstitutional, void, and unenforceable.

The Clerk of the Court is directed to incorporate the foregoing amendment into the original opinion.

Mangmang Qiu Brown,
Deputy Prosecuting
Attorney, for plaintiff-
appellee on the motion