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NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

NO. 28512

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
PENIAMINA MAILO, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 06-1-1770)

ORDER OF CORRECTION
(By: Nakamura, J., for the court[1/])

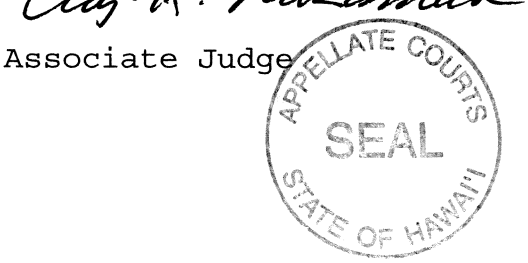
The Summary Disposition Order of the court, filed on December 1, 2008, is hereby corrected as follows:

1. On page 3, in the third line from the bottom of the page, the word "that" which precedes the word "fact" should be replaced with the word "the" so that as corrected, the text reads as follows: "improperly based Mailo's sentence on the fact that he chose to . . . ."

The clerk of the court is directed to incorporate the foregoing change in the original opinion and take all necessary steps to notify the publishing agencies of this change.

DATED: Honolulu, Hawai'i, December 22, 2008.

FOR THE COURT:



Associate Judge

APPELLATE COURTS SEAL STATE OF HAWAI'I

[1/] Recktenwald, Chief Judge, Nakamura, and Leonard, JJ.