

FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
EDWARD S. DAWSON, Defendant-Appellant

NO. 28406

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CR. NO. 05-1-2187)

May 1, 2009

NAKAMURA AND FUJISE, JJ., AND FOLEY, PRESIDING JUDGE, DISSENTING

ORDER OF CORRECTION

The Opinion of the Court, filed on April 8, 2009, is hereby corrected as follows:

1. On page 6, in the eighth line of the block-quoted testimony, the word "that" should be inserted between the words "means" and "the" so that as corrected, the text reads: "A. No, it means that the person . . . ."

2. On page 6, in the tenth line of the block-quoted testimony, the word "its" should be replaced with the word "it's" so that as corrected, the text reads: "don't arrest until it's confirmed."

3. On page 6, in the twelfth line of the block-quoted testimony, the words "it is" should be replaced with the word "it's" so that as corrected, the text reads: ". . . make sure it's actually there."

4. On page 6, in the twenty-fourth line of the block-quoted testimony, the word "sherif's" is misspelled and should be corrected to read "sheriff's".

5. On page 7, in the eighth line of the block-quoted testimony, the word "the" should be inserted between the words "to" and "dispatch" so that as corrected, the text reads: ". . . relay that back to the dispatch?"

EM. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

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6. On page 10, in the ninth line in the first paragraph under Section I., the word "the" should be replaced with the word "that" so that as corrected, the text reads: ". . . reasonably warrant that intrusion."

7. On page 16, in fourth line of footnote 8 at the bottom of the page, the word "facts" should be replaced with the word "fact" so that as corrected, the text reads: "challenges to the circuit court's findings of fact . . ."

The clerk of the court is directed to incorporate the foregoing changes in the original Opinion of the Court and take all necessary steps to notify the publishing agencies of these changes.

*Craig H. Nakamura*

*Anna D. W. Fujim*

The Dissenting Opinion by Judge Foley, filed on April 8, 2009, is hereby corrected as follows:

1. On page 2, at the end of line six and the beginning of line seven, the second "did not" in the phrase "did not did not" should be deleted so that as corrected, the text reads: ". . . she did not know the man, . . ."

2. On page 2, in the last line of the first block-quoted testimony, the answer should be changed from "Yes, sir." to "Correct." so that as corrected, the text reads: "A. Correct."

3. On page 3, in the second line of the block-quoted testimony, the word "hand" should be replaced with the word "hands" so that as corrected, the text reads: ". . . keep his hands out . . ."

4. On page 3, in the fifth line of the block-quoted testimony, the phrase "to get" should be inserted between the

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words "had" and "a" so that as corrected, the text reads: ". . . he had to get a screwdriver."

5. On page 3, in the twelfth line of the block-quoted testimony, a comma should be inserted between the words "Now" and "you're" so that as corrected, the text reads: "Now, you're saying that this item . . . ."

6. On page 4, in the sixth line of the block-quoted testimony, the word "the" that is between the words "was" and "first" should be deleted so that as corrected, the text reads: "That was first time you . . . ?"

7. On page 11, in the seventh line of the block-quoted testimony, the word "the" should be replaced with the word "a" so that as corrected, the text reads: ". . . that may be a reason."

The clerk of the court is directed to incorporate the foregoing changes in the original Dissenting Opinion by Judge Foley and take all necessary steps to notify the publishing agencies of these changes.

*Daniel R. Foley*