

NO. 29038

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
CLAYTON SHANE SUAN, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 07-1-0080)

ORDER GRANTING APPELLANT'S MOTION FOR PUBLICATION
OF MEMORANDUM OPINION AND VACATING MEMORANDUM
OPINION FILED ON JULY 22, 2009
(By: Watanabe, Acting C.J., Foley and Leonard, JJ.)

On July 22, 2009, this court issued a Memorandum Opinion in this appeal. On August 4, 2009, Defendant-Appellant Clayton Shane Suan (Suan) filed a Motion for Publication of Memorandum Opinion, seeking to have this court's Memorandum Opinion issued as a published Opinion. Plaintiff-Appellee the State of Hawai'i (State) filed no opposition to the motion.

Upon consideration of Suan's motion for publication, IT IS HEREBY ORDERED that Suan's Motion for Publication of Memorandum Opinion is granted.

IT IS FURTHER ORDERED that the July 22, 2009 Memorandum Opinion of this court is vacated and an opinion for publication will follow.

DATED: Honolulu, Hawai'i, August 26, 2009.

Craig W. Jerome,
Deputy Public Defender,
for Defendant-Appellant,
on the motion.

Cornie K. A. Watanabe
Acting Chief Judge

Clayton R. Foley
Associate Judge

[Signature]
Associate Judge

K. H. TAKAKAHI
CLERK OF THE COURTS
STATE OF HAWAII

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FILED