

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the Amendment  
of the  
HAWAI'I RULES OF PENAL PROCEDURE

FILED  
CLERK OF APPELLATE COURTS  
STATE OF HAWAI'I

2006 MAY 30 AM 9:13

FILED

ORDER AMENDING THE HAWAI'I RULES OF PENAL PROCEDURE  
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rules 36 and 40(h), are amended, effective July 1, 2006, as follows (deleted material is bracketed and stricken; new material is underscored):

**Rule 36. CLERICAL MISTAKES.**

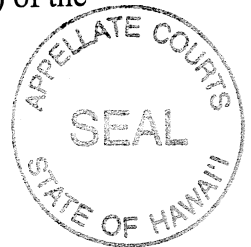
Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time of its own initiative or on motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed [~~in the supreme court~~], and thereafter while the appeal is pending may be so corrected with leave of the [~~supreme court or the intermediate court of appeals~~] appellate court.

**Rule 40. POST-CONVICTION PROCEEDING.**

\*\*\*

(h) **Review.** Any party may appeal [~~to the supreme court~~] from a judgment entered in the proceeding in accordance with Rule 4(b) of the Hawai'i Rules of Appellate Procedure.

DATED: Honolulu, Hawai'i, May 30, 2006.



*[Signature]*

*Steven Levinson*

*Aunani Nakayama*

*[Signature]*

*James E. Duffy, Jr.*