

ALL APPELLATE  
CASES  
STATE OF HAWAII  
COURTS

2009 FEB 19 AM 9:18

FILED

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

ORDER AMENDING RULE 4(b)(2) OF THE  
HAWAI'I RULES OF APPELLATE PROCEDURE

(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and  
Intermediate Court of Appeals Chief Judge Recktenwald,  
assigned by reason of vacancy)

IT IS HEREBY ORDERED that Rule 4(b)(2) of the Hawai'i  
Rules of Appellate Procedure is amended, effective July 1, 2009,  
as follows (deleted material is bracketed and stricken; new  
material is underscored):

**Rule 4. APPEALS - WHEN TAKEN.**

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**(b) Appeals in criminal cases.**

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(2) EFFECT OF [~~POST-JUDGMENT~~] MOTIONS IN ARREST OF JUDGMENT  
OR FOR NEW TRIAL. If a timely motion in arrest of judgment under Rule 34 of the  
Hawai'i Rules of Penal Procedure or for a new trial under Rule 33 of the Hawai'i  
Rules of Penal Procedure has been made, an appeal from a judgment of  
conviction may be taken within 30 days after the entry of any order denying the  
motion.

DATED: Honolulu, Hawai'i, February 19, 2009.

Anna C. Nakayama

James E. Duffy, Jr.

Marie E. Recktenwald