

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Amendment
of the
HAWAII RULES OF PENAL PROCEDURE

ORDER AMENDING THE HAWAII 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.

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(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 Hawaii Rules of Appellate Procedure.

DATED: Honolulu, Hawaii, May 30, 2006.