

**Electronically Filed
Intermediate Court of Appeals
30218
13-MAY-2011
01:08 PM**

NO. 30218

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,
vs.
STEPHEN R.K. RAMOS, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2P109-00972)

ORDER DENYING DEFENDANT-APPELLANT STEPHEN R.K. RAMOS'S
MOTION FOR ORDER CORRECTING OR STRIKING FOOTNOTE 2 OF THE
UNPUBLISHED MEMORANDUM OPINION, FILED APRIL 27, 2011
(By: Nakamura, Chief Judge, and Fujise and Ginoza, JJ.)

Upon review of the "Motion for Order Correcting or Striking Footnote 2 of the Unpublished Memorandum Opinion, filed April 27, 2011" (Motion for Order Correcting or Striking Footnote 2), and the records and files herein,

Defendant-Appellant requests that we issue an order correcting Footnote 2 by adding the further history of the Notice of Appeal or, in the alternative, striking Footnote 2 in its entirety. We acknowledge Defendant-Appellant's attempt to address the issue created by the Notice of Appeal by filing his "Motion to Permit Addition of Count II to Appeal" (Motion for Addition). That attempt is already part of the record in this case. More importantly, the Motion for Addition does not affect the validity of our observation that "[m]ore careful attention in

preparing the notice of appeal would have obviated our need to address [the jurisdictional] issue."


Therefore,

IT IS HEREBY ORDERED that the Motion for Order Correcting or Striking Footnote 2 is denied.


DATED: Honolulu, Hawai'i, May 13, 2011.

On the motion:

Phyllis J. Hironaka,
Deputy Public Defender
for Defendant-Appellant


Chief Judge


Associate Judge


Associate Judge