

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

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STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
YONG SHIK WON, Defendant-Appellant.

NO. CAAP-12-0000858

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
HONOLULU DIVISION  
(CASE NO. 1DTA-11-01903)

ORDER OF AMENDMENT

(By: Nakamura, Chief Judge, and Fujise and Ginoza, JJ.)

The Opinion of the court, filed on March 28, 2014, is hereby amended as follows, with the deleted materials in brackets and stricken and the new material double underscored:

1. On page 3, in the fourth line: ". . . right to an attorney[7]] and misinformed him . . . ."

2. On Page 6, in the seventh line: . . . Judgment on [~~October 25, 2012~~] September 20, 2012."

3. On page 9, in the fourth line of footnote 12:  
" . . . injury to or the death of . . . ."

4. On page 20, in the second line: ". . . [~~Servino's~~] Severino's decision . . . ." <sup>1</sup>

5. On page 23, in the ninth line: " . . . did not

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<sup>1</sup>As used here, "Severino's" is not a case name and should not be underscored in the text of the opinion.

constitute "interrogation" and . . . ."

6. On Page 23, in the sentence beginning on the fourth line from the bottom of the page: "Not only are the police required by statute in every lawful OVUII arrest to determine whether the OVUII arrestee will submit to testing, see HRS § 291E-33 (2007 & Supp. 2011) (requiring the police to request a person arrested for OVUII, whom the police believe was lawfully arrested, to take a test for alcohol concentration or drug content), but the police must also comply with specific requirements set forth in the statute in obtaining the arrestee's decision."<sup>2</sup>

7. On Page 24, in line 6: ". . . utilizing a pre-printed form[s] which informs OVUII arrestees that . . . ."

8. Page 26, in lines ten through twelve: ". . . must be made in every lawful OVUII arrest. See HRS § 291E-33. Thus, it is an inquiry routinely made in [~~every~~] OVUII arrestss, and the inquiry . . . ."<sup>3</sup>

9. On page 41, in the fourth line of footnote 29: ". . . as a first offender under . . . ."

The clerk of the court is directed to take all necessary steps to notify the publishing agencies of these changes.

DATED: Honolulu, Hawai'i, May 2, 2014.

Chief Judge

Associate Judge

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<sup>2</sup>The introductory signal "see" should be underscored in the text of the opinion.

<sup>3</sup>The introductory signal "See" should be underscored in the text of the opinion.

Associate Judge