

NO. SCWC-29923

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Respondent/Plaintiff-Appellee

vs.

CORNELIUS WESLEY DURHAM, Petitioner/Defendant-Appellant

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CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CR. NO. 07-1-0220(2))

ORDER GRANTING MOTION FOR RECONSIDERATION,  
IN PART, AND AMENDING OPINION

(By: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ.,  
and Circuit Judge Border, assigned due to a vacancy)

Petitioner/Defendant-Appellant Cornelius Wesley Durham's motion for reconsideration filed on June 6, 2011, requesting that this court review its published opinion filed on May 27, 2011, is hereby granted, in part.

The said opinion is amended as follows (deletions are stricken and additions are double underscored):

**Lines 4 through 7 of Part B on page 3:** (Billings). In May 2008, Billings presented Petitioner with a "Behavioral Lapse Contract" (contract) because, according to Bumanglag and Billings, respectively, Petitioner, ~~he~~ had had sexual contact

with a co-worker and students, making it likely that he would relapse. The contract

**Lines 16-18 from the bottom of page 7:** Secondly, [Petitioner] ~~has used his prominent statute, as a former instructor and counselor, for sexual gratification as he . . . .~~ has previously slept with students and clients. As

3. **Line 8 from the bottom of page 7:** that he is not a victim, ~~he is a predator. . . . .~~

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

The motion is denied in all other respects.

DATED: Honolulu, Hawai'i, June 14, 2011.

Leslie K. Iczkovitz  
for petitioner/  
defendant-appellant,  
on the motion.

/s/ Mark E. Recktenwald  
/s/ Paula A. Nakayama  
/s/ Simeon R. Acoba, Jr.  
/s/ James E. Duffy, Jr.  
/s/ Patrick W. Border

