

**Electronically Filed
Intermediate Court of Appeals
CAAP-19-0000475
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NO. CAAP-19-0000475

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

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
SCOTT BRIAN SMITH, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CRIMINAL NUMBER 2PC990000325)

ORDER OF CORRECTION

IT IS HEREBY ORDERED that the Opinion of the court,
filed on March 9, 2021, is hereby corrected as follows:

At page 11, line 2 from the top, delete the single
quote (') in the word "Hawai'i" so the line reads as follows:

yet initiated proceedings on remand. See Rule
201, Hawaii Rules

At page 12, line 36 from the top, capitalize the "e" in
"emphasis" so the line reads as follows:

(Emphasis added) (underscoring in original).
Judge Cahill

At page 14, line 20 from the top, replace the curly
bracket "]" with a square bracket "]" so the line reads as
follows:

other such that [Smith] was given a 45 year sentence

At page 15, line 36 from the top, capitalize the "o" in "original" so the line reads as follows:

(Original text stricken, and handwriting (shown in bold italics)

At page 18, line 3 from the bottom, delete the parenthesis before "(Villados v. State" so the line reads as follows:

imperfect attempt to file an appeal. Cf. Villados v. State, 148

At page 19, line 3 from the top, delete the second parenthesis after "appeals))" and delete the parenthesis before "(State v." so the line reads as follows:

to re-petition for certiorari in direct appeal);
State v.

At page 19, line 7 from the top, delete the second parenthesis after "filing))." so the line reads as follows:

filing).

At page 21, line 22 from the top, move the period "." in "(bold italics added.)" to after the parenthesis, so the line reads as follows:

HRS § 706-668.5 (Supp. 1986) (bold italics added).

At page 24, line 28 from the top, capitalize the "c" in "count," so the line reads as follows:

bodily injury, in a safe place prior to trial, and
that Count 8

At page 26, line 9 from the bottom, delete the parenthesis before "(State v. Delmondo" so the line reads as follows:

illegal. State v. Delmondo, 67 Haw. 531, 533, 696
P.2d 344, 346

At page 26, line 7 from the bottom, delete the second parenthesis after "illegal))" and the parenthesis before "(State v. Fry," so the line reads as follows:

statutory requirements, the sentence is illegal);
State v. Fry,

At page 26, line 5 from the bottom, delete second parenthesis after "illegal))." so the line reads as follows:

not conforming to statute was illegal).

At page 27, line 9 from the top, add a quotation mark after "consecutively." so the line reads as follows:

terms of imprisonment to run concurrently or
consecutively."

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

DATED: Honolulu, Hawai'i, August 12, 2021.

/s/ Keith K. Hiraoka
Associate Judge