IN THE SUPREME COURT OF THE STATE OF HAWAI`I

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MANUEL FRGAIAO, Respondent/Petitioner-Appellant

v.

STATE OF HAWAI'I, Petitioner/Respondent-Appellee

NO. 22636

ORDER OF AMENDMENT (S.P.P. NO. 98-002)

JANUARY 16, 2001

MOON, C.J., LEVINSON, NAKAYAMA, RAMIL, AND ACOBA, JJ.

The opinion of the court, filed on January 9, 2001, is amended as follows (deletions are bracketed and additions are double underscored):

Line 11 from the top of page 1: January 9, 2001[0]

Line 13 from the top of page 23: representing Fragiao.

We conclude that [it] they would not.

The Clerk of the Court is directed to incorporate the foregoing changes in the original opinion.