NO. 25541

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

RONALD ANDREW PONG KEE JHUN, also
known as Ronald A. Jhun, Petitioner-Appellee,

vs.

STATE OF HAWAI'I, Respondent-Appellant.

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 00-1-0027)
(CR. NO. 43968)

ORDER OF AMENDMENT
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that the Memorandum Opinion of this

court, filed May 18, 2004, is amended as follows (bracketed

language deleted, new language is underscored):

On page 3, last sentence of introductory paragraph:

> Accordingly, we [reverse] vacate the circuit
> court's October 22, 2002 FOFs, [and]COLs, and
> order granting Jhun's petition for post-conviction
> relief and remand this case to the circuit court
> with instructions to deny Jhun's petition for
> post-conviction relief and reinstate his
> conviction. We also reverse the December 9, 2002
> FOFs, COLs, and order denying the prosecution's
> motion for reconsideration.

On page 21, Section IV. CONCLUSION:

> For the foregoing reasons, we hold that the
> circuit court erred in vacating Jhun's conviction.
> Accordingly, we [and reverse] vacate the circuit
> court's October 22, 2002 FOFs, [and]COLs, and
> order granting Jhun's petition for post-conviction
> relief and remand this case to the circuit court
> with instructions to deny Jhun's petition for

> post-conviction relief and reinstate his
> conviction. We also reverse the December 9, 2002
> FOFs, COLs, and order denying the prosecution's
> motion for reconsideration.

An amended memorandum opinion is being filed concurrently with this order, incorporating the foregoing amendments. The Clerk of the Court is directed to provide a copy of this order and a copy of the amended memorandum opinion to the parties and to notify the publishing agencies, if appropriate, of the changes. The Clerk of the Court is further instructed to distribute copies of this order of amendment to those who received the previously filed memorandum opinion.

DATED: Honolulu, Hawaiʻi, May 26, 2004.