CONCURRING OPINION BY LEVINSON, J.

I agree with the judgment of the majority that Mara's conviction and sentence should be affirmed in this matter. I also generally agree with the majority's analysis, in particular, its view that the trial court's jury selection procedures did not violate any of Mara's constitutional or statutory rights.

Because, however, I was the trial judge whose use of the "struck jury" method of jury selection was at issue in State v. Echineque, 73 Haw. 100, 828 P.2d 276, reconsideration denied, 73 Haw. 625, 832 P.2d 1129 (1992), which the majority analyzes at 27-28 of its opinion, I write separately to express my belief that Echineque was wrongly decided. Although I employed the struck jury method because I believed that it was superior to the "strike-and-replace" method of jury selection (a belief that I continue to harbor), I did not "contradict [HRS § 636-26 (1985)] merely because [I] preferred a different method." See majority opinion at 28 (citing Echineque, 73 Haw. at 107-08, 828 P.2d at 279). To the contrary, the appellate record in Echineque reflects that I took pains to explain why I believed that "the struck jury method . . . [did] not violate the letter or the spirit of HRS § 635-26" and why I did not "regard that statute as worded as being inconsistent with the use of the struck jury method[.]" Echineque, 73 Haw. at 104, 828 P.2d at 278 (some brackets added and some deleted) (emphasis deleted). I fully agree with the majority that "if the jury finally impaneled in the case at bar consisted wholly of qualified jurors, a mere irregularity in the process is not itself a ground for reversal, absent a showing of improper motive or prejudice." Majority opinion at 26. I respectfully suggest that the same proposition

should have applied in Echineque. See State v. Shiroma, 9 Haw. App. 578, 579, 855 P.2d 34, 35 (1993) ("In the absence of [statutory] mandate, the 'struck jury' method would be a reasonable method to select the jury. . . . The jury that rendered the verdict was fair and impartial. The fact that the jury was not selected as required by HRS § 635-26(a) did not negatively or seriously affect the fairness, integrity, or public reputation of Shiroma's jury trial. Neither did it affect Shiroma's substantial rights. Therefore, the trial judge's error in the process used to select the jury was not plain error."); but cf. Echineque, 73 Haw. at 107, 828 P.2d at 279 ("The State argues that appellant has shown no prejudice as a result of the lower court's refusal to follow the statute. . . . [T]o accept the prosecution's position would be to say that . . . defendants can only obtain relief where they establish that, as a result of the impanelment method, a prejudicial juror sat on the case and affected the verdict.").