

NO. 22778

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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VAUGHN GILBERT SHERWOOD, Petitioner-Appellant

vs.

ADMINISTRATIVE DIRECTOR OF THE COURT, STATE OF HAWAI'I,  
Respondent-Appellee

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APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(JR NO. 99-0034 (Original Case No. 98-04268))

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Arrestee-petitioner-appellant Vaughn Gilbert Sherwood appeals from the judgment of the district court of the first circuit affirming the administrative revocation of his driver's license by the Administrative Driver's License Revocation Office (ADLRO), pursuant to the License Revocation Act, HRS ch. 286, part XIV (Supp. 1999). The ADLRO affirmed the automatic administrative revocation of Sherwood's driver's license for life, pursuant to HRS § 286-261(b) (Supp. 1999). The revocation was based on three prior convictions for driving under the influence of intoxicating liquor (DUI) within the past ten years. Sherwood argues that the district court erred when it: (1) affirmed the ADLRO's denial of his request for a continuance because (a) he was entitled to a continuance while his motion to set aside one of his prior DUI convictions was pending, and (b) it violated his due process rights; and (2) affirmed the ADLRO's decision because Sherwood prevailed on his motion to set aside one of his prior DUI convictions. The facts of and issues raised

in this case are nearly identical to a decision this court recently published, Farmer v. Administrative Director of the Court, 94 Hawai'i 232, 11 P.3d 457 (2000).

Upon careful review of the record and the briefs submitted by the parties, we resolve arrestee-petitioner-appellant's argument, in accordance with Farmer, as follows: (1) the district court did not err when it affirmed the ADLRO's denial of his request for a continuance because (a) Sherwood was not entitled to a continuance while his motion to set aside one of his prior DUI convictions was pending, and (b) it did not violate his due process rights; and (2) Sherwood is entitled to have the district court amend his revocation period when he presents proof that his driving record no longer supports the revocation period imposed.

THEREFORE, IT IS HEREBY ORDERED that the district court's judgment affirming ADLRO's lifetime revocation of Sherwood's driver's license is vacated, and the case remanded for proceedings consistent with this order.

DATED: Honolulu, Hawai'i, February 21, 2001.

On the briefs:

Craig T. Kimsel of  
Jonathan Burge & Associates  
for petitioner-appellant

James C. Paige, Deputy  
Attorney General, for  
respondent-appellee