

DISSENTING OPINION BY NAKAYAMA, J.,
WITH WHOM RAMIL, J., JOINS

I respectfully dissent from the majority's opinion.

For the reasons discussed in my dissent in State v. Garcia, No. 23513 (Haw. Sup. Ct. August 10, 2001) (Nakayama, J., dissenting), I believe that State v. Wilson, 92 Hawai'i 45, 987 P.2d 268 (1999), was wrongly decided and should be overruled. Therefore, I would affirm the district court's order denying Hanaoka's motion to suppress the results of his BAC breath test.