

CONCURRING AND DISSENTING OPINION BY ACOBA, J.,
WITH WHOM NAKAYAMA, J., JOINS

I note that the record does not indicate why Defendant was not charged during the nearly one-and-one-half-year period elapsing from June 27, 2000, the date of the offense, to January 1, 2002, the date HRS § 291-4.4 was repealed. For the reasons stated in the dissenting opinion in Domingues, I respectfully disagree with the summary disposition order except with respect to Counts II and III.