

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

I note that the record does not indicate why Defendant was not charged by the prosecution during the nearly six-month period elapsing from July 13, 2001, the date of the offense, to January 1, 2002, the date HRS § 291-4.4 was repealed.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.