

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

I note that the record does not indicate why the prosecution did not charge Defendant during the nearly five-month period elapsing from August 11, 2001, the date of the offense, to January 1, 2002, the date HRS § 291-4.4 was repealed.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 except with respect to Counts II, III, and IV.