

*** FOR PUBLICATION ***

DISSENTING OPINION BY NAKAYAMA, J.,

I dissent. I agree that the application for writ of certiorari should be granted, but would adopt the reasoning and result stated by Judge Nakamura in his dissent.

Samuel A. Nakayama

DISSENTING OPINION BY MOON, C.J.

For the reasons stated by Justice Ramil in his dissenting opinion in State v. Locquiao, 100 Hawai'i 195, 209, 58 P.3d 1242, 1256 (2002) (Ramil, J., dissenting), which I joined, I respectfully dissent from the majority's disposition of this case.

