

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

I would vacate and remand to the circuit court with instructions to remand to the Hawai'i Paroling Authority (HPA). See Willamson v. Hawai'i Paroling Auth., 97 Hawai'i 183, 200, 35 P.3d 210, 227 (2001) (Acoba, J., dissenting) (stating that, "[b]ecause the minimum sentence must precede consideration for parole, and because parole can only be served before the maximum sentence runs, the minimum sentence fixed by the HPA cannot be coincident with that of the maximum sentence" inasmuch as "it must necessarily end before the maximum term of imprisonment set by the sentencing court is served[]" (emphasis in original)).

Steven H. Levinson
