

NO. 27248

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Petitioner-Appellee,

vs.

PHILIP KALA KEKUEWA, Respondent-Appellant.

NOHIMATI YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 DEC 14 PM 3:23

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(HPD TRAFFIC NOS. 004151343; 004151341; 004151338)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI
AND REQUESTING FURTHER BRIEFING
(By: Nakayama, J., for the court¹)

Petitioner-Appellee State of Hawaii's Application for Writ of Certiorari filed on November 6, 2006, is hereby accepted and will be scheduled for oral argument. The parties will be notified by the appellate clerk regarding scheduling.

IT IS FURTHER ORDERED that the parties shall, within 30 days from the date of this order, file a supplemental brief addressing the issue whether this court's interpretation of Hawaii Revised Statutes ("HRS") § 291E-61(b) (Supp. 2002), in State v. Domingues, 106 Hawaii 480, 107 P.3d 409 (2005), is applicable to the underlying prosecution commenced on October 11, 2004, given the subsequent amendments made to HRS § 291E-61(b) effective January 1, 2004. See 2003 Haw. Sess. L. Act 71, § 1, at 123-24. The supplemental briefs shall not exceed 15 pages.

DATED: Honolulu, Hawaii, December 14, 2006.

FOR THE COURT:

Auma A. Nakayama
Associate Justice



Brian R. Vincent
for petitioner-appellee
on the writ

¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.