

NO. 25107

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellant

vs.

JON HANS KAAPUNI, Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
MOLOKAI DIVISION
(CASE NOS. 35-35: 1/22/02)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

The plaintiff-appellant State of Hawai'i appeals from the findings of fact, conclusions of law, and order of the district court of the second circuit, the Honorable Douglas H. Ige presiding, granting the defendant-appellee Jon Hans Kaapuni's motion to suppress the results of a blood test. The prosecution argues that, based on State v. Entrekini, 98 Hawai'i 221, 47 P.3d 339 (2002), which this court filed after Kaapuni filed his notice of appeal, the district court erred in granting Kaapuni's motion to suppress. Kaapuni agrees and concedes the error.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, and in light of our holdings in Entrekini, 98 Hawai'i at 226, 229, 47 P.3d at 341, 344, (1) that HRS § 286-163 authorizes the police to obtain a blood sample of a driver involved in a collision resulting in an injury to or the death of any person, including the driver, and (2) that the police are not required to comply

with the prerequisites to a breath, blood, or urine test contained in HRS § 286-151 prior to obtaining a breath, blood, or urine sample pursuant to HRS § 286-163, we agree that the district court erred in granting Kaapuni's motion to suppress the results of the blood sample. Therefore,

IT IS HEREBY ORDERED that the district court's findings of fact, conclusions of law, and order, from which the appeal is taken, are vacated, and we remand the case for further proceedings.

DATED: Honolulu, Hawai'i, December 9, 2002.

On the briefs:

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the plaintiff-appellant,
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