

NO. 24223

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellant

vs.

DENIS FRANCOIS REGNIER, Defendant-Appellee

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APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT  
(CASE NO. 32-33: 3/20/01)

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 Denis Francois Regnier's motion to suppress the results of a blood test. Specifically, the prosecution argues that the district court erred in granting Entrekin's motion to suppress, because the blood test was authorized by Hawai'i Revised Statutes (HRS) § 286-163 (Supp. 2000).

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, we vacate the district court's conclusions of law and order. In light of our recent decision in State v. Entrekin, No. 24278 (Haw. May 9, 2002), holding (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 with the prosecution that Regnier's blood sample was lawfully drawn. Therefore,

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

DATED: Honolulu, Hawai'i, May 30, 2002.

On the briefs:

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