

NO. 28483

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellant

vs.

BRIAN JESS, Defendant-Appellee

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RESERVED QUESTION FROM THE CIRCUIT COURT  
OF THE FIRST CIRCUIT, STATE OF HAWAI'I  
(CR. NO. 00-1-0422)

E.M. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2007 APR 26 AM 10:01

FILED

ORDER ACCEPTING RESERVED QUESTION

(By: Duffy, J. for the court<sup>1</sup>)

Upon consideration of the order issued by the circuit court of the first circuit reserving for the consideration of the supreme court, pursuant to HRS § 602-5(a)(2) (Supp. 2006) and HRAP 15, a question of law arising before the circuit court in Cr. No. 00-1-0422,

IT IS HEREBY ORDERED that the reserved question is accepted.

IT IS FURTHER ORDERED that:

1. Plaintiff State of Hawai'i shall be regarded as the appellant for the purpose of this proceeding.
2. Defendant Brian Jess shall be regarded as the appellee.
3. Appellant shall file an opening brief within 40 days of the date of this order. The brief shall conform to the briefing requirements of HRAP 28(b), except that points of error and standards of review need not be provided.

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<sup>1</sup>Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

4. Appellee shall file an answering brief within the time provided by HRAP 28(c). The brief shall conform to the briefing requirements of HRAP 28(c), except that standards of review need not be provided.

5. Appellant may file a reply brief in accordance with HRAP 28(d).

6. Extensions of time for briefing will not be granted.

DATED: Honolulu, Hawai'i, April 26, 2007.

FOR THE COURT:

*Kamoa E. Duggan, Jr.*

Associate Justice

