

NO. 27482

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent/Plaintiff-Appellee

vs.

FAA P. FETELEE, Petitioner/Defendant-Appellant

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2007 AUG 29 AM 8:21

FILED

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CR. NO. 03-1-1374)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI  
DESIGNATING CASE FOR ORAL ARGUMENT, AND ORDERING  
OF SUPPLEMENTAL BRIEFING

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

Petitioner/defendant-appellant Faa P. Fetelee's application for writ of certiorari, filed July 17, 2007, is 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 21 days from the date of this order, file a supplemental brief addressing the following issues:

- (1) Whether the res gestae doctrine maintains any viability in the wake of the Hawai'i Rules of Evidence (HRE); and
- (2) if so, whether res gestae evidence is subject to the HRE Rule 403 balancing test.

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

The supplemental briefs shall not exceed 15 pages, exclusive of title page(s), indexes, appendices, and certificate of service.

DATED: Honolulu, Hawai'i, August 29, 2007.

Taryn R. Tomasa,  
Deputy Public Defender,  
for petitioner/defendant-  
appellant, on the  
application

FOR THE COURT:

  
Chief Justice

