

**Electronically Filed
Supreme Court
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SCWC-14-0001074

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DOUGLAS BITTERMAN, Petitioner/Petitioner-Appellant,

vs.

STATE OF HAWAI‘I, Respondent/Respondent-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-14-0001074; S.P.P. NO. 12-1-0009)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI,
VACATING THE INTERMEDIATE COURT OF APPEALS' JUDGMENT ON APPEAL,
AND REMANDING THE CASE TO THE CIRCUIT COURT OF THE THIRD CIRCUIT

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ., and
Circuit Judge Trader, in place of Pollack, J., recused)

Petitioner/Petitioner-Appellant Douglas Bitterman's application for writ of certiorari filed on November 1, 2016, is hereby accepted.

IT IS ORDERED that the Intermediate Court of Appeals' October 13, 2016 Judgment on Appeal is vacated and this case is remanded to the Circuit Court of the Third Circuit ("Circuit Court") for further proceedings.

IT IS FURTHER ORDERED that upon remand, the Circuit Court is to arrange for supplementation of the record with (1) the transcripts of Petitioner's 2011 and 2012 minimum term hearings held before the Hawai'i Paroling Authority; and (2) Petitioner's

Pre-Sentence Investigation Report in Criminal No. 96-114, which is to be filed under seal; thereafter, the Circuit Court shall proceed accordingly.

DATED: Honolulu, Hawai'i, December 14, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Rom A. Trader

