

**Electronically Filed
Supreme Court
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SCWC-29794, SCWC-29795, SCWC-29796

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

SCWC-29794

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

vs.

NELSON KUUALOHA ARMITAGE, Petitioner/Defendant-Appellant.
(CASE NO. 2P106-02017)

SCWC-29795

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

vs.

RUSSELL K. KAHOOKELE, Petitioner/Defendant-Appellant.
(CASE NO. 2P106-02018)

SCWC-29796

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

vs.

HENRY MAILE NOA, Respondent/Defendant-Appellant.
(CASE NO. 2P106-01909)

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NOS. 29794, 29795, and 29796; CASE NOS. 2P106-02017,
2P106-02018, and 2P106-01909)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

The Application for Writ of Certiorari filed on September 16, 2013 by Petitioners/Defendants-Appellants Nelson Kuualoha Armitage, Russel Kahookele, and Henry Maile Noa is hereby accepted.

IT IS HEREBY ORDERED, that no oral argument will be held in this case. Any party may, within ten days and pursuant to Rule 34(c) of the Hawai'i Rules of Appellate Procedure, move for retention of oral argument.

IT IS FURTHER ORDERED, that within 10 days from the date of this order, each of the parties shall file a supplemental brief not to exceed five pages in length, addressing whether the Complaint must be dismissed without prejudice under State v. Apollonio, No. SCWC-11-0000695, 2013 WL 5574921 (October 10, 2013), because it did not allege the state of mind required to commit the offense of Entrance into the Reserve, Hawai'i Administrative Rule § 13-261-10.

DATED: Honolulu, Hawai'i, October 24, 2013.

Daniel G. Hempey,
for petitioners

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

