

DISSENTING OPINION BY FOLEY, PRESIDING J.

I respectfully dissent.

Officer Sellers was entitled to conduct a pat-down search for weapons or escape instrumentalities pursuant to a lawful arrest of Tia. State v. Enos, 68 Hawai'i 509, 511, 720 P.2d 1012, 1014 (1986); State v. Reed, 70 Hawai'i 207, 114-15, 762 P.2d 803, 807-08 (1988). In removing the "hard, thick, cylindrical object" from Tia's pocket, Officer Sellers took reasonable and appropriate steps to protect himself and deprive Tia of a possible means of escape. Enos, 68 Hawai'i at 511, 720 P.2d at 1014; Reed, 70 Hawai'i at 114-15, 762 P.2d at 807-08.

*Daniel R. Foley*