

CONCURRING OPINION BY FOLEY, PRESIDING J.

There is no question that there was an unlawful seizure of Mika at the 7-Eleven. State v. Kearns, 75 Haw. 558, 867 P.2d 903 (1994). Therefore, the methamphetamine pipe that was "obtained as a result of the seizure should have been suppressed." Id. at 572, 867 P.2d at 909-10. Without the methamphetamine pipe, there was insufficient evidence to convict Mika of Unlawful Use of Drug Paraphernalia, in violation of HRS § 329-43.5. State v. Maldonado, 108 Hawai'i 436, 445, 121 P.3d 901, 910 (2005); State v. Miller, 122 Hawai'i 92, 117, 223 P.3d 157, 182 (2010).

*Daniel R. Foley*