

CONCURRING OPINION BY NAKAMURA, C.J.

I concur in the result reached by the majority because I believe it is dictated by existing Hawai'i Supreme Court precedent. See State v. Amiral, 132 Hawai'i 170, 178-79, 319 P.3d 1178, 1186-87 (2014); State v. Gonzalez, 128 Hawai'i 314, 327, 288 P.3d 788, 801 (2012). However, I continue to believe that these precedents place an undue and unnecessary emphasis on training requirements indicated by the laser gun's manufacturer in evaluating whether a sufficient foundation has been presented for the admission of the speed reading produced by the laser gun. See State v. Harris, No. CAAP-12-0000766, 2015 WL 4611769, at \*1-2 (July 31, 2015) (Nakamura, C.J., concurring) (SDO). In State v. Ramos, the State of Hawai'i represented that LTI, the manufacturer of the UltraLyte 20-20 laser gun, had not set forth specific training requirements for the operation of the laser gun. See Ramos, CAAP-12-0000138, 2014 WL 2694230, at \*8 (June 13, 2014) (MOP) (Nakamura, C.J., concurring). Similarly, in this case, which appears to involve the same UltraLyte 20-20 laser gun, the Deputy Prosecuting Attorney stated in his closing argument: "But it's sort of this myth that we're chasing here because it's been well-established that LTI [(the manufacturer of the UltraLyte 20-20 laser gun)], while they may produce the manual and the manual may say certain things, they haven't established any training procedures or methods."

If the manufacturer of a speed detection device has not established specific training requirements, it may not be possible to lay an adequate foundation that is conditioned on satisfying training requirements indicated by the manufacturer. See id. In my view, compliance with training requirements indicated by the manufacturer is not the only way to show that a police officer using a speed detection device is qualified to operate the device. For example, I believe that evidence that an officer passed a test designed to verify the officer's ability to use the device to accurately obtain a vehicle's speed would be sufficient to show that the officer was qualified to operate the device, even if the test was not recommended or indicted by the

manufacturer. The issue is whether the person using the device was qualified to operate it, and a showing, by whatever means, that the person using the device was qualified to operate it should be sufficient to satisfy the "qualified operator" foundational requirement.

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