

**Electronically Filed
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SCWC-17-0000898

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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

vs.

SAMSON K. KEANAAINA,
Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-17-0000898; CR. NO. 3CPC-17-0000154)

DISSENT FROM ORDER DENYING MOTION FOR RECONSIDERATION
(By McKenna, J., with whom Wilson, J., joins)

For the reasons stated in my March 22, 2022 dissenting opinion, I dissent from the order denying the motion for reconsideration. The tent structure was not “open.” Hence, the Hawai‘i Revised Statutes § 803-37 requirement for the officers to “demand entry” was triggered; there is no dispute that the officers did not demand entry. In addition, the majority should have taken plain error notice of the unconstitutional general warrant.

For these reasons, I would grant the motion for reconsideration.

DATED: Honolulu, Hawai'i, April 11, 2022.

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

