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SCAP-23-0000276

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I,
Plaintiff-Appellant,

vs.

RYAN ROMAN-PETER,
Defendant-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CAAP-23-0000276; CASE NO. 1CPC-20-0001111)

SUMMARY DISPOSITION ORDER

(By: Recktenwald, C.J., McKenna, Eddins, JJ.,
Circuit Judge Watanabe and Circuit Judge Ashford,
assigned by reason of vacancies)

On May 5, 2022, a jury found Ryan Roman-Peter guilty of two counts of attempted assault in the first degree, two counts of carrying or use of a firearm in commission of a separate felony, terroristic threatening in the first degree, and place to keep pistol or revolver. Roman-Peter had been charged via a complaint and preliminary hearing.

After Roman-Peter's conviction, but before his sentencing, this court decided State v. Obrero, 151 Hawai'i 472, 517 P.3d 755 (2022). Obrero held that charging a defendant with a felony by complaint, rather than through an indictment or information, violates HRS § 801-1. Id.

Roman-Peter moved to dismiss based on Obrero. The circuit court granted Roman-Peter's motion. The State appealed. On appeal, the State argues that Obrero does not apply retroactively to defendants who were convicted after a trial.

The State applied for transfer, and we granted its request.

In State v. Bautista, 153 Hawai'i 284, 535 P.3d 1029 (2023), this court recently resolved issues surrounding Obrero's retroactive impact. "Obrero applies to cases that were pending trial before the decision. Obrero does not apply retroactively to defendants who pled out or to defendants convicted after a trial." Id. at 289, 535 P.3d at 1034. We further clarified that "defendants awaiting sentencing . . . are foreclosed from having their pleas nullified or their trial convictions overturned per HRS § 801-1." Id. Because Roman-Peter was convicted after a trial, Obrero does not impact his conviction.

Accordingly, we hold that the circuit court erred in granting Roman-Peter's motion to dismiss. We vacate the circuit court's order and remand the case for sentencing.

DATED: Honolulu, Hawai'i, November 9, 2023.

Brian R. Vincent
for petitioner

Randall K. Hironaka
for respondent

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Kathleen N.A. Watanabe

/s/ James H. Ashford

