

**Electronically Filed
Supreme Court
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SCWC-24-0000413

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

JUSTIN JOSHUA SERRANO EUGENIO,
Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-24-0000413; CASE NO. 1CPC-23-0000095)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI
(By: Devens, C.J., McKenna, Eddins, and Ginoza, JJ.,
and Circuit Judge Nichols, assigned by reason of vacancy)

Pursuant to this court's discretion set forth in
Hawai'i Revised Statutes ("HRS") § 602-59(a), Petitioner's
Application for Writ of Certiorari, filed on August 6, 2026, is
hereby accepted.

It is FURTHER ORDERED, that no oral argument will be
heard in this case, subject to further order of the court. Any
party may, within ten days and pursuant to Rule 34(c) of the
Hawai'i Rules of Appellate Procedure, move for retention of oral
argument.

IT IS FURTHER ORDERED that the parties shall submit supplemental briefing on the following questions:

(1) Was the jury instruction given based on HAWJIC 7.08 erroneous based on its use of the conjunctive instead of the disjunctive as to the two methods of establishing entrapment?

(2) If so, was the error harmless beyond a reasonable doubt in the instant case?

Within twenty days from the date of this order, each party shall file a supplemental brief, not exceeding twenty pages in length, exclusive of title page(s), indices, appendices, and certificate of service. The parties may file responses to each other's briefs within ten days thereafter. No reply briefs shall be filed.

DATED: Honolulu, Hawai'i, September 30, 2026.

/s/ Vladimir P. Devens

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Steven R. Nichols

