

**Electronically Filed
Supreme Court
SCWC-24-0000719
14-SEP-2026
11:26 AM
Dkt. 11 OGAC**

SCWC-24-0000719

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

ERNEST HOLMES,
Petitioner/Petitioner-Appellant

vs.

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

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-24-0000719; CASE NO. 1CSP-22-0000145)

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

Pursuant to this court’s discretion set forth in
Hawai‘i Revised Statutes § 602-59(a), Petitioner’s Application
for Writ of Certiorari, filed on July 16, 2026, is accepted and
will be scheduled for oral argument. The parties will be
notified by the appellate clerk regarding scheduling.

It is further ordered that the case is temporarily
remanded to the Circuit Court of the First Circuit (circuit
court) for the appointment of counsel for Petitioner. The

circuit court shall, within three days of remand, file an order appointing counsel. The clerk of the circuit court, within three days thereafter, shall file a supplemental record that includes that order.

It is further ordered that the parties shall submit supplemental briefing on the following:

1. Whether a convicted sex offender's due process right to a judicial hearing, provided under article I, section 5 of the Hawai'i Constitution, "at which evidence may be offered to demonstrate that continuance of all or part of their lifetime registration requirements are not necessary in [their] case to fulfill the public need to which the sex offender act responded (termination hearing)[,]" is satisfied as long as such a hearing is provided at "some time[,]" pursuant to State v. Guidry, 105 Hawai'i 222, 234, 96 P.3d 242, 254 (2004).
2. Whether a mandatory forty-year waiting period, as provided under HRS § 846E-10(f), is facially violative of a convicted sex offender's due process right to a termination hearing at a meaningful time and in a meaningful manner.

Within forty days after the clerk of the circuit court files the supplemental record, each party shall file a supplemental brief, not exceeding twenty pages in length, exclusive of title pages(s), indices, appendices, and certificate of service. No responses shall be filed.

DATED: Honolulu, Hawai'i, September 14, 2026.

/s/ Vladimir P. Devens

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Stephanie R. Char

