

**Electronically Filed
Supreme Court
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SCPW-24-0000537

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

HAWAI‘I POLICE DEPARTMENT, COUNTY OF HAWAI‘I,
Petitioner,

vs.

THE HONORABLE PETER K. KUBOTA,
Judge of the Circuit Court of the Third Circuit,
State of Hawai‘i, Respondent Judge,

and

ALBERT IAN SCHWEITZER; SHAWN SCHWEITZER; STATE OF HAWAI‘I,
Respondents.

ORIGINAL PROCEEDING
(CASE NOS. 3CSP-23-0000003 and 3CSP-23-0000017)

ORDER

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

Because the County of Hawai‘i, Office of the Prosecuting Attorney (State) participated in the underlying cases, 3CSP-23-0000003 and 3CSP-23-0000017, it is joined as a respondent to this proceeding. The appellate clerk shall amend the caption to identify the State as a respondent. See Hawai‘i Rules of Appellate Procedure, Rule 21(c). The State shall submit an

answer to the petition for writ of mandamus, and participate in oral argument. The answer must be filed by September 5, 2024 at 4:30 p.m., not exceed twenty pages, and address the authorities identified in the next paragraph. The appellate clerk shall serve a copy of this order on counsel for the State in 3CSP-23-0000003 and 3CSP-23-0000017.

Petitioner, Respondent Albert Ian Schweitzer, and Respondent Shawn Schweitzer shall submit supplemental briefing, not to exceed fifteen pages, on whether the following authorities apply to the issues raised by the petition: Hawai'i Rules of Penal Procedure, Rule 40(c)(3); Hawai'i Revised Statutes § 661B-2(a)-(b); Hawai'i Rules of Civil Procedure, Rule 26; and Hawai'i Rules of Evidence, Rule 501. The supplemental briefing shall be filed by September 5, 2024 at 4:30 p.m.

DATED: Honolulu, Hawai'i, August 28, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

