

SUPREME COURT OF HAWAI‘I

Althouse v. State, 111 Haw. 35

137 P.3d 349 (2006) · No. No. 25168 · Decided June 16, 2006

SUMMARY

The Supreme Court of Hawai‘i affirmed the denial of Raymond Ira Althouse’s request to delay a Hawai‘i Paroling Authority minimum-term hearing until after expiration of a fifteen-year mandatory minimum sentence. The court held that Hawai‘i Revised Statutes §§ 706-660.1 and 706-669 required the authority to conduct the hearing within six months of commitment and did not impose a jurisdictional bar based on the mandatory minimum sentence. The court also rejected Althouse’s related request to stay the hearing pending appeal.

CASE DETAILS

COURT	Supreme Court of Hawai‘i
WRITING FOR THE COURT	Nakayama, J.; Moon, C.J.; Levinson, J.; Acoba, J.; Foley, Intermediate Court of Appeals Judge, assigned by reason of vacancy
JURISDICTION	Hawaii
DECIDED	June 16, 2006
DOCKET	No. 25168
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Third Circuit Court of Hawai‘i partially granting and partially denying Althouse’s Hawai‘i Rules of Penal Procedure Rule 40 petition.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Raymond Ira Althouse v. State of Hawai‘i

TOPICS

- statutory interpretation
- legislative intent
- in pari materia
- post-conviction relief
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- sentencing
- appellate procedure

QUESTIONS PRESENTED

1. Whether HRS § 706-660.1 barred the Hawai‘i Paroling Authority from conducting a minimum-term hearing under HRS § 706-669 until after expiration of the fifteen-year mandatory minimum sentence imposed by the circuit court.
2. Whether the circuit court erred by denying Althouse's motion to stay the new minimum-term hearing pending appeal.

HOLDINGS

1. HRS § 706-669 required the Hawai‘i Paroling Authority to conduct a minimum-term hearing as soon as practicable and no later than six months after the defendant's commitment to the custody of the director of the department of public safety; HRS § 706-660.1 did not jurisdictionally bar that hearing before expiration of the sentencing court's mandatory minimum term.
2. The denial of a stay was not erroneous because it rested on the same statutory argument rejected by the court: HRS § 706-660.1 did not bar the HPA from conducting the minimum-term hearing before expiration of the mandatory minimum term.

KEY QUOTATIONS

“Therefore, we hold that (1) HRS § 706-669 required the HPA to conduct its minimum term hearing within six months of Althouse’s commitment to the custody of the director of the department of public safety, and (2) that the HPA was not jurisdictionally barred by HRS § 706-660.1(1) from fulfilling its statutorily imposed duty.”
(354)

“HRS § 706-660.1 provides that it is the “sentence of imprisonment” (emphasis added)— not Althouse—that is exempt from “the procedure for determining minimum term of imprisonment prescribed under section 706-669.”” (352-353)

FACTUAL BACKGROUND

Althouse was convicted of second-degree murder and received a life sentence with a fifteen-year mandatory minimum term under HRS § 706-660.1. The Hawai‘i Paroling Authority conducted a minimum-term hearing within months of his commitment, but his appointed counsel failed to appear, witnesses were not cross-examined, and the HPA imposed an additional fifteen-year minimum term. The circuit court later invalidated the HPA-imposed term because Althouse was entitled to representation and ordered a new hearing, while concluding that the new hearing was not barred until after expiration of the court-imposed mandatory minimum term.

PROCEDURAL HISTORY

Althouse was convicted of second-degree murder and sentenced to life imprisonment with a fifteen-year mandatory minimum term under Hawai‘i Revised Statutes § 706-660.1. The Hawai‘i Paroling Authority later imposed an additional fifteen-year minimum term after conducting a hearing at which Althouse lacked counsel. The circuit court invalidated that HPA minimum term and ordered a new hearing, but rejected Althouse's argument that the new hearing had to occur after expiration of the court-imposed mandatory minimum term. The circuit court also denied a stay pending appeal, and Althouse appealed.

DISPOSITION

affirmed

CASES CITED

- State v. Arceo, 84 Hawai‘i 1, 10, 928 P.2d 843, 852 (1996)
- State v. Camara, 81 Hawai‘i 324, 329, 916 P.2d 1225, 1230 (1996)
- State v. Toyomura, 80 Hawai‘i 8, 18-19, 904 P.2d 893, 903-04 (1995)
- State v. Higa, 79 Hawai‘i 1, 3, 897 P.2d 928, 930 (1995)
- State v. Nakata, 76 Hawai‘i 360, 365, 878 P.2d 699, 704 (1994)
- Gray v. Admin. Dir. of the Court, 84 Hawai‘i 138, 144, 148, 931 P.2d 580, 586, 590 (1997)
- State v. Soto, 84 Hawai‘i 229, 236, 933 P.2d 66, 73 (1997)
- State v. White, 110 Hawai‘i 79, 83, 129 P.3d 1107, 1111 (2006)
- State v. Jumila, 87 Hawai‘i 1, 11, 950 P.2d 1201, 1211 (1998)
- State v. Brantley, 99 Hawai‘i 463, 56 P.3d 1252 (2002)
- Yoshizaki v. Hilo Hospital, 50 Haw. 1, 2, 427 P.2d 845, 846 (1967)
- Credit Associates v. Montilliano, 51 Haw. 325, 328, 460 P.2d 762, 764 (1969)
- City & County of Honolulu v. Midkiff, 57 Haw. 273, 275-76, 554 P.2d 233, 235 (1976)