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Supreme Court
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No. SCWC-10-000069

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

TOMMY W. BULLARD, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. CAAP-10-000069; CASE NO. 1DTA-10-01412)

CONCURRING AND DISSENTING OPINION BY ACOBA, J.

I concur with the Intermediate Court of Appeals (ICA) with respect to the denial of the claim of Petitioner/Defendant-Appellant Tommy W. Bullard (Petitioner) that the complaint herein was not properly signed and filed. With respect to the remaining claims raised by Petitioner, I would vacate the August 26, 2011 judgment of the ICA and the September 7, 2010 judgment of the District Court of the First Circuit, Honolulu Division and remand to the district court to dismiss the complaint without prejudice, based on the concurring and dissenting opinion in State v. Nesmith, ___ Hawaii ___, ___ P.3d ___ (2012) (Acoba, J., concurring and dissenting).

DATED: Honolulu, Hawai'i, May 1, 2012.

/s/ Simeon R. Acoba, Jr.

