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Supreme Court
SCWC-30516
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No. SCWC-30516

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

LAWRENCE PAI, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 30516; CASE NO. 1DTA-10-00706)

AMENDED DISSENTING OPINION BY ACOBA, J.¹

I would vacate the July 14, 2011 judgment of the Intermediate Court of Appeals (ICA) in support of its June 14, 2011 summary disposition order (SDO) affirming the April 9, 2010 judgment of the District Court of the First Circuit, finding Petitioner/Defendant-Appellant Lawrence Pai guilty of HRS § 291E-61(a)(3), and remand the case to the district court to dismiss the complaint without prejudice, based on the concurring and dissenting opinion in State v. Nesmith, ___ Hawai'i ___, ___ P.3d ___ (2012) (Acoba, J., concurring and dissenting).

DATED: Honolulu, Hawai'i, May 3, 2012.

/s/ Simeon R. Acoba, Jr.



¹ This document was initially inadvertently filed on May 2, 2012.