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Supreme Court
SCWC-30442
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NO. SCWC-30442

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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

vs.

ALBERT VILLADOS, JR., also known as ALBERTO VILLADOS, JR.,
Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. 30442; CR. NO. 08-1-0115)

DISSENT BY ACOBA, J.

I would grant review of the order dismissing the application for writ of certiorari inasmuch as under the circumstances, the constitutional right to effective assistance of counsel is seemingly implicated and controls statutes or court rules that operate to the contrary. See In re Mohr, 97 Hawai‘i 1, 7, 32 P.3d 647, 653 (2001) (defense counsel has an obligation to file an appeal even if counsel disagrees with the client). I believe that further delay via future post conviction relief efforts would serve no purpose. State v. Silva, 75 Hawai‘i 419, 438-439, 864 P.2d 583, 592 (1993) (stating that “in some instances, the ineffective assistance of counsel may be so obvious from the record that [an HRPP] Rule 40 proceeding would

serve no purpose except to delay the inevitable and expend resources unnecessarily.”).

DATED: Honolulu, Hawai‘i, September 17, 2012.

/s/ Simeon R. Acoba, Jr.

