

Electronically Filed  
Supreme Court  
SCWC-12-0000840  
28-JAN-2016  
02:06 PM

SCWC-12-0000840

IN THE SUPREME COURT OF THE STATE OF HAWAII

---

STATE OF HAWAII,  
Respondent/Plaintiff-Appellee,

vs.

ANDREW E. SHIMKUS,  
Petitioner/Defendant-Appellant.

---

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS  
(CAAP-12-0000840; CASE NO. 1DTA-12-00225)

DISSENT

(By: Nakayama, J., with whom Recktenwald, C.J., joins)

I dissent. For the reasons stated in the dissenting opinion in State v. Won, 136 Hawai'i 292, 361 P.3d 1195 (2015) (Nakayama, J., dissenting), I would affirm the judgments of the ICA and the district court.

DATED: Honolulu, Hawai'i, January 28, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

