

Electronically Filed
Supreme Court
SCWC-13-000023
04-MAR-2016
11:48 AM

SCWC-13-000023

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

MATTHEW ELBERSON,
Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-13-000023; CASE NO. 1DTA-12-00939)

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, March 4, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

