

DISSENT BY RECKTENWALD, C.J.

I respectfully dissent.

I would accept the application for writ of certiorari for the reasons set forth in Chief Judge Nakamura's dissent in the Intermediate Court of Appeals. See State v. Benson, No. 29846, 2010 WL 2601488 (App. Jun. 30, 2010) (SDO).

/s/ Mark E. Recktenwald
Chief Justice

