

Electronically Filed
Supreme Court
SCWC-10-0000243
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No. SCWC-10-0000243

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Respondent/Plaintiff-Appellee,

vs.

WILLIAM A.DANIELS, JR., Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(ICA NO. CAAP-10-0000243; CASE NO. 1DTA-10-01712)

CONCURRING AND DISSENTING OPINION BY ACOBA, J.

I concur with the Intermediate Court of Appeals (ICA) with respect to the denial of the claim of Petitioner/Defendant-Appellant William A. Daniels, Jr. (Petitioner) that the complaint herein was not properly signed and filed. With respect to the remaining claims raised by Petitioner, I would vacate the November 10, 2011 judgment of the ICA and the December 8, 2010 judgment of the District Court of the First Circuit, Honolulu Division and remand 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, April 30, 2012.

/s/ Simeon R. Acoba, Jr.

