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SCWC-12-0001072

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

vs.

KEVIN K.T. GUARD,
Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-12-0001072; CASE NO. 1DTA-11-05472)

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, April 1, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

