

*** NOT FOR PUBLICATION ***

DISSENTING OPINION BY DUFFY, J.,
IN WHICH ACOBA, J., JOINS

Based upon Justice Acoba's Dissenting Opinions in State v. Rivera, 106 Hawai'i 146, 102 P.3d 1044 (2004) and State v. White, 110 Hawai'i 79, 129 P.3d 1107 (2006), in which I joined, I would vacate the extended term sentences imposed and remand for resentencing consistent with the Rivera and White dissents.



Kama E. Duffy, Jr.