

NO. CAAP-10-0000253

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
EMILIO SORIA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CASE NO. 1DTA-10-05767)

SUMMARY DISPOSITION ORDER

(By: Fujise and Reifurth, JJ., with
Foley, Presiding J., concurring separately)

Defendant-Appellant Emilio Soria ("Soria") appeals from the December 6, 2010 Notice of Entry of Judgment and/or Order and Plea/Judgment filed in the District Court of the First Circuit, Honolulu Division ("District Court").¹ We affirm the District Court's judgment.²

On November 1, 2010, a Complaint was filed charging Soria as follows:

On or about the 11th day of October, 2010, in the City and County of Honolulu, State of Hawaii, EMILIO SORIA did operate or assume actual physical control of a vehicle upon a public way, street, road, or highway while under the influence of alcohol in an amount sufficient to impair his normal mental faculties or ability to care for himself and guard against casualty, thereby committing the offense of Operating a Vehicle Under the Influence of an Intoxicant, in violation of Section 291E-61(a)(1) of the Hawaii Revised Statutes. EMILIO SORIA is subject to sentencing as a first offender in accordance with Section 291E-61(b)(1) of the Hawaii Revised Statutes.

¹ The Honorable William Cardwell presided.

² In light of our disposition of this appeal, we need not address the State's claim that we should dismiss the appeal because Soria failed to comply with Hawaii Rules of Appellate Procedure (HRAP). We note that Soria failed to file a reply brief or notification that no reply brief would be filed, as required under HRAP Rule 28(d). Soria's counsel is cautioned that future violations of the rules may result in sanctions.

