

NO. CAAP-10-0000015

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
GUILLERMO MARTINEZ, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
PUNA DIVISION  
(CASE NO. 3P109-00248)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Reifurth, and Ginoza, JJ.)

Defendant-Appellant Guillermo Martinez (Martinez) appeals from the Judgment of Conviction and Sentence filed on September 2, 2010 in the District Court of the Third Circuit, Puna Division (district court).<sup>1</sup>

The district court found Martinez guilty of Criminal Property Damage in the Fourth Degree, in violation of Hawaii Revised Statutes (HRS) § 708-823(1) (Supp. 2010).

On appeal, Martinez contends the district court erred by excluding two of his proffered alibi witnesses, who would have testified that Martinez was not at the scene when the crime was alleged to have occurred.

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<sup>1</sup> The Honorable Barbara T. Takase presided.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we conclude that Martinez's appeal is without merit. The record does not contain any written notice by Martinez regarding alibi witnesses. There is nothing in the record to show that Martinez complied with Hawai'i Rules of Penal Procedure Rule 12.1(a) and (b).

Therefore,

IT IS HEREBY ORDERED that the Judgment of Conviction and Sentence filed on September 2, 2010 in the District Court of the Third Circuit, Puna Division, is affirmed.

DATED: Honolulu, Hawai'i, January 23, 2012.

On the briefs:

Harry Eliason  
for Defendant-Appellant.

Presiding Judge

Christopher R. Bridges,  
Deputy Prosecuting Attorney,  
County of Hawai'i,  
for Plaintiff-Appellee.

Associate Judge

Associate Judge