

NO. CAAP-11-0000842

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

STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
JARRETT P. WOFFORD, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(Ewa Division)  
(CR. NO. 1P311-501)

SUMMARY DISPOSITION ORDER

(By: Nakamura, Chief Judge, and Fujise and Leonard, JJ.)

Defendant-Appellant Jarrett P. Wofford (Wofford) appeals from the Judgment filed on October 26, 2011, in the District Court of the First Circuit (District Court).<sup>1</sup> Wofford was convicted of being an accomplice of another person in committing fourth-degree theft by shoplifting. Wofford's sole argument on appeal is that District Court erred in finding him guilty because there was insufficient evidence to support his conviction. We affirm.

The prosecution presented evidence that a Foodland loss prevention agent observed: (1) Wofford and his female companion enter the Foodland store with a backpack; (2) the female placing three items, including a package of meat, into their shopping cart; (3) Wofford placing the three items into the backpack; (4)

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<sup>1</sup> The Honorable Michael A. Marr presided.

the female grabbing the backpack; and (5) Wofford and the female leaving the store without paying. Wofford and the female's version was that they walked into the Foodland store with the three items already in the backpack to purchase rice if it was on sale, but left the store upon discovering that rice was not on sale. The District Court resolved the conflicting evidence presented at trial by finding that the testimony of the loss prevention agent was more credible. Based on the loss prevention agent's testimony, the District Court found Wofford guilty.

In reviewing the sufficiency of the evidence, we view the evidence in the light most favorable to the prosecution. State v. Tamura, 63 Haw. 636, 637, 633 P.2d 1115, 1117 (1981). "The test on appeal is not whether guilt is established beyond a reasonable doubt, but whether there was substantial evidence to support the conclusion of the trier of fact." State v. Richie, 88 Hawai'i 19, 33, 960 P.2d 1227, 1241 (1998) (block quote format and citation omitted). We give "full play to the right of the finder of fact to determine credibility, weigh the evidence, and draw justifiable inferences of fact." State v. Yabusaki, 58 Haw. 404, 411, 570 P.2d 844, 848 (1977) (block quote format and citation omitted).

Applying this standard of review, we conclude that there was substantial evidence to support Wofford's conviction. Accordingly, we affirm the District Court's Judgment.

DATED: Honolulu, Hawai'i, October 19, 2012.

On the briefs:

Walter J. Rodby  
for Defendant-Appellant

Chief Judge

Stephen K. Tsushima  
Deputy Prosecuting Attorney  
City and County of Honolulu  
for Plaintiff-Appellee

Associate Judge

Associate Judge