

NO. CAAP-12-0000654

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

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
YOSHIRO SANNEY, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CRIMINAL NO. 10-1-1570)

SUMMARY DISPOSITION ORDER

(By: Nakamura, C.J., Foley and Fujise, JJ.)

Defendant-Appellant Yoshiro Sanney appeals from the June 21, 2012 "Order Summarily Denying Defendant's Motion to Reconsider Sentence" entered in the Circuit Court of the First Circuit¹ (circuit court). Sanney's sole point on appeal is that the circuit court erred in not holding a hearing on the motion.

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, as well as the relevant statutory and case law, we conclude Sanney's appeal is without merit.

Sanney cites to no authority that would have entitled him to a hearing on his motion pursuant to Hawai'i Rules of Penal Procedure Rule 35(b), and we find none. Sanney argues he could

¹

The Honorable Karen S.S. Ahn presided.

have brought matters to the attention of the circuit court if he had a hearing but does not explain why these matters could not have been brought to the attention of the court in his motion for reconsideration or by written submittal in support of his motion. The sole basis of Sanney's motion was a declaration of his counsel that since Sanney had been sentenced to prison "he has had a lot of time to reflect about the incidents that occurred in this case" and "would like another opportunity to address the court regarding his sentence."²

Therefore,

IT IS HEREBY ORDERED that the June 21, 2012 "Order Summarily Denying Defendant's Motion to Reconsider Sentence" entered in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, July 8, 2013.

On the briefs:

Shawn A. Luiz
for Defendant-Appellant.

Donn Fudo
Deputy Prosecuting Attorney,
City and County of Honolulu
for Plaintiff-Appellee.

Chief Judge

Associate Judge

Associate Judge

² After the motion to reconsider was filed, Sanney's counsel withdrew and substitute counsel was appointed on January 25, 2012. No further documents were filed in support of the motion.