

NO. CAAP-16-0000102

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

STATE OF HAWAI'I, Plaintiff-Appellant, v.
REMIND RAPUN, also known as DEUSER USEPWETA, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 15-1-1558)

SUMMARY DISPOSITION ORDER

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

Plaintiff-Appellant the State of Hawai'i (the **State**) appeals from the Findings of Fact, Conclusions of Law, and Order Granting Revised Motion to Dismiss Felony Information for a Lack of Probable Cause as a Matter of Law, entered on January 25, 2016 (the **Dismissal Order**), by the Circuit Court of the First Circuit (**Circuit Court**).¹

The State raises a single point of error on appeal, contending that the Circuit Court abused its discretion in entering the Dismissal Order. The issue raised herein by the State - when a person violates a trespass warning previously issued pursuant to Hawaii Revised Statutes (**HRS**) § 708-814(1)(b)

¹ The Honorable Rom A. Trader presided.

(2014), may that violation be used as an underlying basis for a charge of Burglary in the Second Degree - was recently answered in the negative by the Hawai'i Supreme Court. See State v. King, SCWC-15-0000342, 2016 WL 7217261 (Haw. Dec. 13, 2016).

Accordingly, the Circuit Court's January 25, 2016 Dismissal Order is affirmed.

DATED: Honolulu, Hawai'i, December 29, 2016.

On the briefs:

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

Chief Judge

Hayley Y.C. Cheng,
Deputy Public Defender,
for Defendant-Appellee.

Associate Judge

Associate Judge