

NO. 30284

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
DANIEL JOHN WILSON, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 08-1-1960)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Daniel John Wilson (Wilson) appeals from the Judgment of Conviction and Sentence filed on December 9, 2009 in the Circuit Court of the First Circuit (circuit court).¹

Pursuant to Wilson's guilty pleas, the circuit court found Wilson guilty of Forgery in the Second Degree (Count I), in violation of Hawaii Revised Statutes (HRS) § 708-852 (Supp. 2009); Attempted Theft in the Second Degree (Count II), in violation of HRS §§ 705-500 (1993) and 708-831(1)(b) (Supp. 2005); and Identify Theft in the Second Degree (Count III), in violation of HRS § 708-839.7 (Supp. 2009). The circuit court sentenced Wilson to a term of imprisonment of five years for Counts I and II and ten years for Count III. The terms of imprisonment for Counts I and II were to be served concurrently;

¹ The Honorable Karen S. S. Ahn presided.

the term of imprisonment for Count III was to be served consecutively to the terms for Counts I and II.

On appeal, Wilson contends the circuit court abused its discretion by imposing a consecutive sentence.

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 that Wilson's appeal is without merit.

The circuit court did not abuse its discretion by imposing a consecutive sentence. State v. Sinagoga, 81 Hawai'i 421, 427-28, 918 P.2d 228, 234-35 (App. 1996), overruled in part on other grounds by State v. Veikoso, 102 Hawai'i 219, 74 P.3d 575 (2003).²

Therefore,

IT IS HEREBY ORDERED that the Judgment of Conviction and Sentence filed on December 9, 2009 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, November 3, 2010.

On the briefs:

Shawn A. Luiz
for Defendant-Appellant.

Chief Judge

Loren J. Thomas,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.

Associate Judge

Associate Judge

² State v. Hussein, 122 Hawai'i 495, 510, 229 P.3d 313, 328 (2010), is inapplicable to this case. The holding in Hussein applied to sentencing that occurred after the filing of the judgment on appeal in that case.