

NO. CAAP-12-0000727

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

JOHN ALBERT WAGNER, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CR. NO. 98-227K)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding Judge, Leonard and Reifurth, JJ.)

Petitioner-Appellant John Albert Wagner (**Wagner**) appeals from the Order Dismissing Petition to Vacate, Set Aside, or Correct Judgment or to Release Petitioner from Custody, filed April 16, 2012 (**Order Denying Relief**), which was entered by the Circuit Court of the Third Circuit (**Circuit Court**), on August 1, 2012.¹

This is an appeal from a proceeding seeking post-conviction relief. It appears that Wagner entered into a plea agreement in the underlying criminal case, Cr. No. 98-227K. No direct appeal was filed from the Judgment and Conviction that was entered therein on November 3, 1998.

On this appeal, Wagner contends: (1) that information received by the police from a "confidential informant" was insufficient to conduct a traffic stop, search, and seizure, which preceded Wagner's arrest, plea, and conviction; and (2) the State of Hawai'i lacks jurisdiction over his crimes committed

¹ The Honorable Elizabeth A. Strance presided.

within the boundaries of the State because of the Apology Resolution of 1993.

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 rules, statutes, and case law, we conclude that Wagner's appeal is without merit.

Therefore, the Circuit Court's August 1, 2012 Order Denying Relief is affirmed.

DATED: Honolulu, Hawai'i, January 10, 2014.

On the briefs:

John Albert Wagner
Petitioner-Appellant

Presiding Judge

Linda L. Walton
Deputy Prosecuting Attorney
County of Hawai'i
for Respondent-Appellee

Associate Judge

Associate Judge