

DISSENTING OPINION BY LEONARD, J.

I respectfully dissent because, viewing the evidence in the light most favorable to the prosecution, there is insufficient evidence to support the conviction of Defendant-Appellant Evans Nathan Guyton (**Guyton**) of Violation of Restraining Order or Injunction Against Harassment, pursuant to HRS § 604-10.5 (Supp. 2014).

Having considered the record, and the submission of the parties, I conclude that there was insufficient evidence to prove that Guyton intentionally or knowingly "enter[ed] and/or visit[ed] the premises including yard and garage of the residence, and/or place of employment of [John Varel]." Even when the evidence is viewed in the light most favorable to the State, the State failed to establish that the area where Guyton was observed was part of "the premises including yard and garage of the residence, and/or place of employment of [John Varel]." See, e.g., State v. Reinhart, No. 27177 (Sept. 8, 2008) (SDO), reversing State v. Reinhart, No. 27177 (App. March 10, 2008) (SDO).

Accordingly, I would reverse the District Court's February 22, 2013 Judgment.