

NO. CAAP-13-0000203

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
EVANS NATHAN GUYTON, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION
(CASE NO. 2DCW-12-0000362)

SUMMARY DISPOSITION ORDER

(By: Fujise, Presiding Judge and Reifurth, J.,
with Leonard, J., dissenting.)

Defendant-Appellant Evans Nathan Guyton (Guyton) appeals from the Notice of Entry of Judgment and/or Order, entered on February 22, 2013, in the District Court of the Second Circuit, Wailuku Division (District Court).¹ After a bench trial, the District Court found Guyton guilty of Violation of Restraining Order or Injunction Against Harassment (Violating an Injunction), pursuant to Hawaii Revised Statutes § 604-10.5 (Supp. 2014), and sentenced him to pay a \$500 fine.

On appeal, Guyton argues that the District Court wrongly convicted him of Violating an Injunction based on insufficient evidence. Related to this argument is his contention that Conclusion of Law (COL) 7 in the District Court's Findings of Facts and Conclusions of Law, is clearly erroneous. Guyton asks this court to reverse his conviction.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to

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The Honorable Richard B. Berman presided.

the arguments advanced and the issues raised by the parties, we resolve Guyton's points of error as follows:

Guyton's conviction is based on sufficient evidence, and COL 7 is not wrong because (1) the District Court convicted Guyton based on his conduct of entering or visiting Petitioner-Appellee John Varel's (Varel's) "residence"; and (2) there is substantial evidence showing Guyton (a) knew that "residence," as used in the injunction, encompassed Varel's entire property, see Schwab v. Ariyoshi, 58 Haw. 25, 35, 564 P.2d 135, 141 (1977), and (b) knowingly entered or visited Varel's property. See HRS § 702-206 (2014); State v. Birdsall, 88 Hawai'i 1, 8, 960 P.2d 729, 736 (1998).

Therefore, IT IS HEREBY ORDERED that the Notice of Entry of Judgment and/or Order, entered on February 22, 2013, in the District Court of the Second Circuit, Wailuku Division, is affirmed.

DATED: Honolulu, Hawai'i, February 5, 2015.

On the briefs:

James S. Tabe,
Deputy Public Defender,
for Defendant-Appellant.

Presiding Judge

Peter A. Hanano,
Deputy Prosecuting Attorney,
County of Maui,
for Plaintiff-Appellee.

Associate Judge