

NO. 30709

IN THE SUPREME COURT OF THE STATE OF HAWAII

IN THE MATTER OF THE APPLICATION FOR A SPECIAL PROCEEDING
TO REVIEW CONTEMPT CONVICTION SUMMARILY IMPOSED
ON AUGUST 27, 2010

K. HANAKAHOE
CLERK, APPELLATE COURTS
STATE OF HAWAII

2010 SEP -9 PM 2:59

FILED

ORIGINAL PROCEEDING

ORDER

(By: Nakayama, Acting C.J., Acoba, Duffy, and Recktenwald, JJ.
and Circuit Judge Lee, assigned by reason of vacancy).

Lori Townsend, the Complaining Witness in FC-CR 10-1-1595, initiated this special proceeding, pursuant to HRS § 710-1077(5) (1993), to review the "Findings of Fact, Conclusions of Law and Order Finding Complaining Witness in Contempt of Court Under 710-1077(3) (a)," entered on August 27, 2010 in FC-CR 10-1-1595. We review the August 27, 2010 order for an abuse of discretion. See In re Nam, 65 Haw. 119, 125, 648 P.2d 1101, 1105 (1982).

Having reviewed the record of FC-CR 10-1-1595 and having considered the arguments advanced by the Complaining Witness, we conclude that the circuit court did not abuse its discretion in summarily convicting and sentencing the Complaining Witness for criminal contempt of court pursuant to HRS §§ 710-1077(1) and (3) (a).

The August 27, 2010 "Order Finding Complaining Witness in Contempt of Court Under 710-1077(3) (a)" is affirmed. The motion to stay mittimus is denied.

DATED: Honolulu, Hawai'i, September 9, 2010.

Funa C. Nakayama
[Signature]
Barbara E. Duffy, Jr.
Mr. Recktenwald
[Signature] K.O. Lu