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Intermediate Court of Appeals
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NO. CAAP-11-0000506

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,
v.
REMILITO PABLO, aka Reynold Pablo, Defendant-Appellant
and
JESSE CERA, Defendant.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CRIMINAL NO. 10-1-0456)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Fujise and Reifurth, JJ.)

Defendant-Appellant Remilito Pablo (Pablo) appeals from the Judgment of Conviction and Sentence filed on June 9, 2011 in the Circuit Court of the First Circuit (circuit court).¹

On appeal, Pablo argues that the circuit court erred in admitting over his objection the testimony of Honolulu Police Department (HPD) criminalist Jeanette Ardiente (Ardiente) regarding the weight of drug evidence she analyzed, where an inadequate foundation was laid for admission of evidence regarding the accuracy of the analytic balance she used.

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, we conclude Pablo's appeal is without merit.

¹ The Honorable Karen S.S. Ahn presided.

The State laid a proper foundation for admission of evidence regarding the accuracy of the analytic balance Ardiente used. Ardiente testified that before she weighed the drug evidence, she ensured the balance was calibrated according to the manufacturer's recommendations by pressing the device's Auto Calibrate button, as she was trained to do. Ardiente "had personal knowledge that the balance had been correctly calibrated." State v. Wallace, 80 Hawai'i 382, 412, 910 P.2d 695, 725 (1996). Cf. State v. Manewa, 115 Hawai'i 343, 355, 167 P.3d 336, 348 (2007) (where expert who weighed drug evidence did not calibrate electronic balance himself but merely assumed manufacturer's representative properly done so, foundation for evidence as to weight of drug evidence was inadequate). Given the foregoing, circuit court did not abuse its discretion by admitting Ardiente's testimony regarding the weight of the drug evidence.

Therefore,

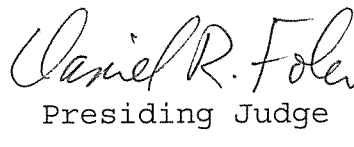
IT IS HEREBY ORDERED that the Judgment of Conviction and Sentence filed on June 9, 2011 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, February 26, 2013.

On the briefs:

Michael J. Green
and
Richard D. Gronna
for Defendant-Appellant.

Brian R. Vincenrt
Deputy Prosecuting Attorney
City and County of Honolulu
for Plaintiff-Appellee.


Presiding Judge


Associate Judge


Associate Judge