

NO. 30275

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

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
TEIKIN MIECHO, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(Honolulu Division)
(Case No. 1DTC-06-049025)

SUMMARY DISPOSITION ORDER

(By: Nakamura, Chief Judge, and Fujise and Reifurth, JJ.)

Defendant-Appellant Teikin Miecho (Miecho) was convicted of driving without a license, in violation of Hawaii Revised Statutes § 286-102(a) (2007). Miecho appeals from the "Notice of Entry of Judgment and/or Order and Plea/Judgment" (Judgment) filed on December 3, 2009, in the District Court of the First Circuit (District Court).¹

On appeal, Miecho contends that: (1) the District Court erred in denying his motion to dismiss for violation of Hawai'i Rules of Penal Procedure (HRPP) Rule 9(c)(3)(i) (2007), which requires that warrants "shall be executed without unnecessary delay"; and (2) there was insufficient evidence to support his conviction.

Plaintiff-Appellee State of Hawai'i (State) concedes that the District Court erred in denying Miecho's motion to

¹ The Honorable Leslie A. Hayashi presided.

dismiss. We accept the State's concession of error as it is supported by existing precedent in this jurisdiction. E.g., State v. Owens, 116 Hawai'i 172, 172 P.3d 484 (2007); State v. Lei, 95 Hawai'i 278, 21 P.3d 880 (2001).

We decline the State's request to remand the case for determination of whether to dismiss the case with or without prejudice. Instead, we follow the remedy imposed by the Hawai'i Supreme Court in Lei, 95 Hawai'i at 287, 21 P.3d at 889, and reverse the District Court's Judgment. In light of our decision, we need not address Miecho's claim that the evidence was insufficient to support his conviction.

We reverse the District Court's Judgment.

DATED: Honolulu, Hawai'i, February 21, 2013.

On the briefs:

Craig W. Jerome
Deputy Public Defender
for Defendant-Appellant

Chief Judge

Anne K. Clarkin
Deputy Prosecuting Attorney
City and County of Honolulu
for Plaintiff-Appellee

Associate Judge

Associate Judge