

NO. CAAP-13-0000002

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
REED W. SAILOLA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CASE NO. 1DTA-11-03671)

SUMMARY DISPOSITION ORDER

(By: Fujise, Presiding Judge, Reifurth and Ginoza, JJ.)

On December 6, 2012, after a consolidated stipulated fact hearing on his motion to suppress evidence and trial, the District Court of the First Circuit, Honolulu Division (District Court)¹ convicted and sentenced Defendant-Appellant Reed W. Sailola (Sailola) of Operating a Vehicle Under the Influence of an Intoxicant in violation of Hawaii Revised Statutes (HRS) § 291E-61(a)(3) (Supp. 2014).

In bringing this appeal, Sailola alleges the District Court erred in denying his Motion to Suppress for three reasons. First, Sailola contends that he was inadequately advised of his rights before deciding whether to take a breath or blood alcohol test; second that this decision was made without benefit of warnings mandated by Miranda v. Arizona, 384 U.S. 436 (1966); and third, that his statutory right to counsel under HRS § 803-9 (2014) was violated.

¹ The Honorable David Lo presided.

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

These arguments are identical to those presented to and rejected by this court in State v. Won, 134 Hawai'i 59, 332 P.3d 661 (App. 2014), cert. granted, 2014 WL 2881259 (Jun. 24, 2014). Based on Won, we conclude that the District Court properly denied Sailola's motion to suppress and we affirm his conviction and sentence under HRS § 291E-61(a)(3).

DATED: Honolulu, Hawai'i, May 29, 2015.

On the briefs:

Jonathan Burge,
for Defendant-Appellant.

Presiding Judge

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

Associate Judge

Associate Judge