

NO. CAAP-14-0001326

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
ALISA L. VISSER, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CASE NO. 1DWC-14-0001186)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Alisa Visser (**Visser**) appeals from the Notice of Entry of Judgment and/or Order entered on November 7, 2014 (**Judgment**), in the District Court of the First Circuit, Honolulu Division (**District Court**).¹ Visser was originally charged with Theft in the Third Degree, in violation of Hawaii Revised Statutes (**HRS**) § 708-832(1)(a) (2014). However, after a jury-waived trial, Visser was found guilty of the lesser-included offense of Theft in the Fourth Degree, in violation of HRS § 708-833 (2014).

On appeal, Visser raises a single point of error, contending that the District Court erred when it denied Visser's Motion for Judgment of Acquittal because the State failed to present substantial evidence that the items allegedly stolen were valued at over \$100.

¹

The Honorable Linda K.C. Luke presided.

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 resolve Visser's point of error as follows:

HRS § 708-833(1) provides: "A person commits the offense of theft in the fourth degree if the person commits theft of property or services of any value not in excess of \$100."² Even if correct, Visser's only argument on appeal - that the State failed to prove value *in excess of \$100* - does not support reversing her conviction in this case because it is uncontested that there is sufficient evidence to establish that the stolen items had some value.

Accordingly, the District Court's November 7, 2014 Judgment is affirmed.

DATED: Honolulu, Hawai'i, September 30, 2015.

On the briefs:

Walter J. Rodby
for Defendant-Appellant

Presiding Judge

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

Associate Judge

Associate Judge

² Notably, HRS § 708-832(1)(a) provides: "A person commits the offense of theft in the third degree if the person commits theft [o]f property or services the value of which exceeds \$100[.]" (Format altered.)