

**Electronically Filed
Supreme Court
SCWC-13-0000155
25-AUG-2015
07:42 AM**

SCWC-13-0000155

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I,
Respondent/Plaintiff-Appellee,

vs.

JIMMY ROBINSON, JR.,
Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-13-0000155; CR. NO. 11-1-1014)

ORDER AFFIRMING JUDGMENT ON APPEAL

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Petitioner Jimmy Robinson, Jr. (Robinson) seeks review of the Intermediate Court of Appeals' November 26, 2014 Judgment on Appeal, entered pursuant to its October 31, 2014 Summary Disposition Order, which affirmed the Circuit Court of the First Circuit's November 28, 2012 Notice of Entry and Judgment. The Circuit Court adjudged Robinson guilty of Robbery in the First Degree, in violation of Hawai'i Revised Statutes (HRS) § 708-840. We accepted Robinson's application for writ of certiorari and now affirm the ICA's Judgment on Appeal.

On certiorari, Robinson contends that the ICA gravely erred in holding that substantial evidence supporting the verdict was adduced at trial because he did not have the intent to commit Robbery in the First Degree. This court has held that “[s]ubstantial evidence’ as to every essential element of the crime charged is credible evidence which is of sufficient quality and probative value to enable a man of reasonable caution to reach a conclusion.” State v. Naeole, 62 Haw. 563, 565, 617 P.2d 820, 823 (1980). The evidence adduced at trial in this case, including witness testimony and video evidence, was sufficient to enable a person of reasonable caution to conclude that Robinson had the requisite intent to commit Robbery in the First Degree. Therefore,

IT IS HEREBY ORDERED that the ICA’s Judgment on Appeal is affirmed.

DATED: Honolulu, Hawai‘i, August 25, 2015.

Jason Z. Say
for petitioner

Stephen K. Tsushima
for respondent

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

