

NO. CAAP-16-0000448

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellant, v.
WAYNE E. CASUGAY, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 16-1-0231)

SUMMARY DISPOSITION ORDER

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

Plaintiff-Appellant the State of Hawaii (the **State**) appeals from the Findings of Fact, Conclusions of Law, and Order Granting Motion to Dismiss Felony Information as Matter of Law, entered on May 5, 2016 (**Dismissal Order**), by the Circuit Court of the First Circuit (**Circuit Court**).¹

The State raises a single point of error on appeal, contending that the Circuit Court abused its discretion in entering the Dismissal Order. The issue raised and relevant circumstances of this case are indistinguishable from those in the Hawaii Supreme Court's recent decision in State v. King, 139

¹ The Honorable Rom A. Trader presided.

Hawai'i 249, 386 P.3d 886 (2016). In King, the supreme court held that the violation of a trespass warning "issued pursuant to HRS § 708-814(1)(b) is not a 'defiance of a lawful order' under HRS § 708-800," and therefore, the violation of a trespass warning "cannot be made a vehicle for a second-degree burglary charge under HRS § 708-811." King, 139 Hawai'i at 257, 386 P.3d at 894 (brackets omitted).

Accordingly, the Circuit Court's May 5, 2016 Dismissal Order is affirmed.

DATED: Honolulu, Hawai'i, May 16, 2017.

On the briefs:

Stephen K. Tsushima,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellant.

Presiding Judge

Associate Judge

Taryn R. Tomasa,
Public Defender,
for Defendant-Appellee.

Associate Judge