

NO. CAAP-18-0000485

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

STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
MOLLY HOPKINS, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
HONOLULU DIVISION  
(CASE NO. 1DTA-18-00029)

SUMMARY DISPOSITION ORDER

(By: Ginoza, Chief Judge, Reifurth and Chan, JJ.)

Defendant-Appellant Molly Hopkins (Hopkins) appeals from the Notice of Entry of Judgment and/or Order and Plea/Judgment, entered on May 14, 2018, by the District Court of the First Circuit, Honolulu Division (district court).<sup>1</sup> The district court convicted Hopkins of one count of Operating a Vehicle Under the Influence of an Intoxicant, in violation of Hawaii Revised Statutes (HRS) § 291E-61(a)(1).<sup>2</sup>

Hopkins' sole argument on appeal is that the district court wrongly convicted her based on insufficient evidence.

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<sup>1</sup> The Honorable Randal I. Shintani presided.

<sup>2</sup> HRS § 291E-61(a)(1) (Supp. 2018) provides:

(a) A person commits the offense of operating a vehicle under the influence of an intoxicant if the person operates or assumes actual physical control of a vehicle:

(1) While under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty[.]

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 Hopkins' point of error as follows.

Viewing the evidence as a whole, in the light most favorable to the prosecution, and with due deference to the right of the trier of fact to determine credibility, weigh the evidence, and draw reasonable inferences from the evidence adduced, State v. Kam, 134 Hawai'i 280, 287, 339 P.3d 1081, 1088 (App. 2014), as corrected (Jan. 20, 2015), aff'd, 137 Hawai'i 161, 366 P.3d 636 (2016), we conclude that the evidence was sufficient to support the conviction. See, e.g., State v. Goo, No. CAAP-16-0000369, 2019 WL 1219107 at \*2, (Haw. App. Mar. 15, 2019) (SDO); State v. Karamatsu, No. CAAP-16-0000246, 2017 WL 2839545 at \*3, (Haw. App. June 30, 2017) (Mem. Op.); State v. Kahana, No. CAAP-17-0000359, 2018 WL 2316511 at \*2, (Haw. App. May 22, 2018) (SDO).

At trial, Officers Garner and Hong and Sergeant Sakamoto testified that during the incident, they smelled an alcohol type of beverage emanating from Hopkins. Officer Hong testified he smelled an odor of an alcoholic beverage emitting from Hopkins while he stood two to three feet away from her. Officer Garner testified that Hopkins' eyes were red, and Officer Hong testified that they were watery and glassy. Officer Garner testified that Hopkins said she had come from Maui Brewery, which Officer Garner recognized as a restaurant/pub.

Officer Hong, who conducted the Standardized Field Sobriety Test, testified that while Hopkins performed the horizontal gaze nystagmus test, she swayed from side to side. When she performed the walk-and-turn test, she did the following, contrary to the officer's instructions: on the first nine steps, she missed a heel-to-toe connection by more than half an inch and raised her arms once more than six inches from her sides; to turn around, she made one large turn rather than taking small steps; and on the second set of nine steps, she missed four heel-to-toe connections by more than half an inch and kept her arms raised from her side more than six inches the entire time. On the one-

leg-stand test, contrary to instructions, she raised her arms more than six inches from her sides.

Sergeant Sakamoto testified that when he read Hopkins the admonition prior to conducting the preliminary alcohol screening, Hopkins leaned on the trunk of a car and swayed about an inch from side to side.

Therefore, IT IS HEREBY ORDERED that the Notice of Entry of Judgment and/or Order and Plea/Judgment, entered on May 14, 2018, by the District Court of the First Circuit, Honolulu Division, is affirmed.

DATED: Honolulu, Hawai'i, April 29, 2019.

On the briefs:

John Ikenaga  
Deputy Public Defender  
for Defendant-Appellant.

Chief Judge

Sonja P. McCullen  
Deputy Prosecuting Attorney  
City and County of Honolulu  
for Plaintiff-Appellee.

Associate Judge

Associate Judge