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NO. CAAP-22-0000180

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,
v.
CRYSTAL MAE SMYTHE, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION
(CASE NO. 2DTC-21-612706)

SUMMARY DISPOSITION ORDER

(By: Hiraoka, Presiding Judge, Nakasone and Guidry, JJ.)

Defendant-Appellant Crystal Mae Smythe (**Smythe**)
appeals from the Judgment and Notice of Entry of Judgment
(**Judgment**) entered on February 25, 2022 by the District Court of
the Second Circuit for driving without a valid driver's license
in violation of Hawaii Revised Statutes § 286-102 (2020).¹

Smythe raises a single argument on appeal,² contending
that the State failed to show that Officer Jun Hattori had

¹ The Honorable Christopher M. Dunn presided.

² We note that the brief does not contain points of error, nor does it state "where in the record the alleged error was objected to or the manner in which the alleged error was brought to the attention of the court[,]" as required under Hawaii Rules of Appellate Procedure Rule 28(b)(4).

probable cause to issue a citation to Smythe because Smythe presented a "Kingdom of Hawaii license[.]" Upon careful review of the record, briefs, and relevant legal authorities, and having given due consideration to the arguments advanced and the issues raised by the parties, we conclude that Smythe's contention is waived.

It appears that the issue of probable cause was not raised by Smythe prior to trial, and was therefore waived. See Hawai'i Rules of Penal Procedure (**HRPP**) Rule 12(b)(1) ("The following [motions] must be raised prior to trial: (1) defenses and objections based on defects in the institution of the prosecution[.]"). A party's failure to raise such objections "shall constitute waiver thereof[.]" HRPP Rule 12(f).

We therefore affirm the Judgment.

DATED: Honolulu, Hawai'i, January 29, 2025.

On the briefs:	/s/ Keith K. Hiraoka Presiding Judge
Steven Slavitt, for Defendant-Appellant.	/s/ Karen T. Nakasone Associate Judge
Renee Ishikawa Delizo, Deputy Prosecuting Attorney, County of Maui, for Plaintiff-Appellee.	/s/ Kimberly T. Guidry Associate Judge