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NO. CAAP-24-0000027

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
ANTHONY LEE DECKER, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1FFC-20-0000720)

SUMMARY DISPOSITION ORDER

(By: Nakasone, Chief Judge, Hiraoka and Wadsworth, JJ.)

A jury found Anthony Lee **Decker** guilty of Continuous Sexual Assault of a Minor Under the Age of Fourteen Years and Promoting Pornography for Minors. He was sentenced to indeterminate terms of 20 years and 5 years, to be served consecutively. He appeals from the *Judgment of Conviction and Sentence* entered by the Circuit Court of the First Circuit on January 12, 2024.¹ We affirm.

Decker states three points of error: (1) the trial court erred by denying his motion to dismiss Count 1 of the indictment; (2) the trial court erred by denying his motion to dismiss Count 2; and (3) the deputy prosecuting attorney (**DPA**) committed prosecutorial misconduct during her closing and rebuttal argument.

(1) The trial court was not wrong to deny the motion to dismiss Count 1. Decker argues that the phrases "'sexual

¹ The Honorable Paul B.K. Wong presided.

penetration' and 'sexual conduct' [sic] are generic terms" that were required to be pled with "species-level particularity."

"Whether a charge sets forth all the essential elements of a charged offense is a question of law, which we review under the de novo, or right/wrong, standard." State v. Kaakimaka, 156 Hawai'i 302, 309, 574 P.3d 767, 774 (2025).

Hawaii Revised Statutes (**HRS**) § 707-733.6 (2014) provides, in relevant part:

- (1) A person commits the offense of continuous sexual assault of a minor under the age of fourteen years if the person:
 - (a) Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and
 - (b) Engages in three or more acts of sexual penetration or sexual contact with the minor over a period of time, while the minor is under the age of fourteen years.

Count 1 of the indictment alleged:

On or about March 4, 2017 to and including July 31, 2019, in the City and County of Honolulu, State of Hawai'i, ANTHONY LEE DECKER, being the parent or guardian or any other person having legal or physical custody of [the complaining witness (**CW**)], who either resided in the same home with [CW], a minor under the age of fourteen years, or had recurring access to [CW], with intent or knowledge that he was such a person, did intentionally or knowingly engage in three or more acts of sexual penetration and/ or sexual contact with [CW] over a period of time while [CW] was under the age of fourteen years, thereby committing the offense of Continuous Sexual Assault of a Minor Under the Age of Fourteen Years, in violation of Section 707-733.6 of the Hawai'i Revised Statutes.

"Sexual penetration" means:

- (1) Vaginal intercourse, anal intercourse, fellatio, deviate sexual intercourse, or any other intrusion of any part of a person's body or of any object into the genital or anal opening of another person's body; it occurs upon any penetration, however slight, but emission is not required. "Genital opening" includes the anterior surface of the vulva or labia majora; or
- (2) Cunnilingus or anilingus, whether or not actual penetration has occurred.

"Deviate sexual intercourse" means any act of sexual gratification between a person and an animal or a corpse, involving the sex organs of one and the mouth, anus, or sex organs of the other.

"Sexual contact" means any touching, other than acts of "sexual penetration", of the sexual or other intimate parts of a person or of the sexual or other intimate parts of the actor by the person, whether directly or through the clothing or other material intended to cover the sexual or other intimate parts.

A term is "generic" if it "relates to or is characteristic of a whole group or class." Kaakimaka, 156 Hawai'i at 312, 574 P.3d at 777. "Sexual penetration" is a generic term; its statutory definition includes eight types of conduct in the disjunctive.² "Sexual contact" is also a generic term; its statutory definition includes two specific types of conduct in the disjunctive.³

"[I]f a charge contains generic terms, proscribing different types of conduct or different definitions in the disjunctive, then fair notice can require that the State provide specificity in the charge." State v. Bekkum, 158 Hawai'i 507, 514-15, --- P.3d ---, ---, (2026).

In addition to the language of the charge, we "can consider other information in addition to the charge that may have been provided to the defendant during the course of the case up until the time the defendant objected to the sufficiency of the charges[.]" Kaakimaka, 156 Hawai'i at 311, 574 P.3d at 776 (brackets and quotation marks omitted). Here, Decker's motion to dismiss was filed on May 22, 2023, by his fourth court-appointed attorney. His second court-appointed attorney had requested a copy of the grand jury transcript on January 25, 2021. The transcript was completed on February 3, 2021. The transcript contained CW's testimony describing the specific kinds of sexual

² HRS § 707-700 (2014) defines "sexual penetration" to include: (1) vaginal intercourse; (2) anal intercourse; (3) fellatio; (4) deviate sexual intercourse; (5) any intrusion of any part of a person's body or of any object into the genital or anal opening of another person's body; (6) cunnilingus; or (7) anilingus. "Deviate sexual intercourse" is further defined to include: (a) any act of sexual gratification between a person and an animal, involving the sex organs of one and the mouth, anus, or sex organs of the other; or (b) any act of sexual gratification between a person and a corpse, involving the sex organs of one and the mouth, anus, or sex organs of the other.

³ HRS § 707-700 (Supp. 2016) defines "sexual contact" to include: (1) touching, other than acts of "sexual penetration", of the sexual or other intimate parts of another; or (2) touching, other than acts of "sexual penetration", of the sexual or other intimate parts of the actor by another.

penetration and sexual contact Decker subjected her to, which she said happened "a lot more [times] than I can count."

On this record, we hold that Decker had sufficient notice of the specific conduct being charged in Count 1 before he filed his motion to dismiss.

(2) The trial court was not wrong to deny the motion to dismiss Count 2. HRS § 712-1215 (2014) provides, in relevant part:

(1) A person commits the offense of promoting pornography for minors if:

(a) Knowing its character and content, the person disseminates to a minor material which is pornographic for minors[.]

Count 2 of the indictment alleged:

On or about July 1, 2018 to and including July 31, 2019, in the City and County of Honolulu, State of Hawai'i, ANTHONY LEE DECKER, being the parent or guardian or any other person having legal or physical custody of [CW], knowing the character and content of material, which was pornographic for minors, did disseminate such material to [CW], a person less than sixteen years of age, and ANTHONY LEE DECKER was not [CW]'s parent, legal guardian, or sibling, and was not acting in his capacity and within the scope of his employment as a member of the staff of any public library, thereby committing the offense of Promoting Pornography for Minors in violation of Section 712-1215(1)(a) of the Hawai'i Revised Statutes.

"Disseminate" means to manufacture, issues, publish, sell, lend, distribute, transmit, exhibit, or present material or to offer or agree to do the same.

"Material" means any printed matter, visual representation, or sound recording, and includes but is not limited to books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, sculptures, and tape or wire recordings.

"Minor" means any person less than sixteen years old.

"Performance" means any play, motion picture film, dance, or other exhibition performed before an audience.

Any material or performance is "pornographic for minors" if it is primarily devoted to explicit and detailed narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse; and it is presented in such a manner that the average person applying contemporary community standards, would find that, taken as a whole, it appeals to the prurient interest; and taken as a whole, it lacks serious literary, artistic, political, or scientific value; or it contains any photograph, drawing, or similar visual representation of any person of the age of puberty or older revealing such person with less than a fully opaque covering

of his or her genitals and pubic area, or depicting such person in a state of sexual excitement or engaged in acts of sexual conduct or sadomasochistic abuse; and it is presented in such a manner that the average person, applying contemporary community standards, would find that, taken as a whole, it appeals to the prurient interest; and taken as a whole, it lacks serious literary, artistic, political, or scientific value.

"Sadomasochistic abuse" means flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

"Sexual conduct" means acts of masturbation, bestiality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast or breasts of a female for the purposes of sexual stimulation, gratification, or perversion.

"Sexual excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

(a) Decker argues Count 2 was defective because the State "charged one count but intended to prove multiple discrete acts spanning more than a year." That does not make the count defective. The supreme court has held:

when separate and distinct culpable acts are subsumed within a single count . . . – any one of which could support a conviction thereunder – and the defendant is ultimately convicted by a jury of the charged offense, the defendant's constitutional right to a unanimous verdict is violated unless one or both of the following occurs: (1) at or before the close of its case-in-chief, the prosecution is required to elect the specific act upon which it is relying to establish the "conduct" element of the charged offense; **or** (2) the trial court gives the jury a specific unanimity instruction, i.e., an instruction that advises the jury that all twelve of its members must agree that the same underlying criminal act has been proved beyond a reasonable doubt.

State v. Arceo, 84 Hawai'i 1, 32-33, 928 P.2d 843, 874-75 (1996) (emphasis added).

Here, the jury was properly given this unanimity instruction:

For the offense of Promoting Pornography for Minors in Count 2, the law allows the introduction of evidence for the purpose of showing that there is more than one act to prove an element of an offense. In order for the prosecution to prove an element of an offense, all twelve jurors must unanimously agree that the same act has been proved beyond a reasonable doubt.

(b) Decker argues the terms "disseminate"⁴ and "material"⁵ are generic, and the required specificity was missing from Count 2. Those terms are generic. But the grand jury transcript contained CW's testimony that Decker showed her videos on his phone of people having sex. Decker thus had sufficient notice of the specific conduct being charged in Count 2 before he filed his motion to dismiss.

(c) Citing In re J.B., 156 Hawai'i 221, 572 P.3d 694 (App. 2025), Decker argues the discovery through which the State contends he received notice of the specific conduct being charged in Count 2 – "all of the HPD reports" and a DVD containing recorded interviews of CW and five witnesses – are not in the record on appeal, and cannot be used to "establish that [he] was 'fully informed of the nature and cause of the accusation against him'" before he moved to dismiss. Id. at 226, 572 P.3d at 699.

The minor in J.B. argued that "bodily injury" was generic (we agreed), and the charging document failed to state the species and descend to particulars. The State argued that the minor was provided with discovery that identified the specific injury supporting the charge. We noted that "the referenced discovery, or any included information describing or portraying CW's injury, is not part of the record." Id. at 226, 572 P.3d at 699. Thus, we concluded that "the record does not establish that Minor was 'fully informed of the nature and cause of the accusation against him' before he filed the Motion to Dismiss." Id.

Here, although the discovery at issue does not appear in the record, the State's answering brief cites to the grand jury transcript in which CW testified that Decker showed her videos on his phone of people having sex. The grand jury

⁴ HRS § 712-1210 (2014) defines "disseminate" to include: "to manufacture, issue, publish, sell, lend, distribute, transmit, exhibit, or present material or to offer or agree to do the same."

⁵ HRS § 712-1210 (2014) defines "material" to include: "any printed matter, visual representation, or sound recording, and includes but is not limited to books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, sculptures, and tape or wire recordings."

transcript provided Decker with sufficient notice of the specific conduct being charged in Count 2.

Decker also argues that CW's grand jury testimony "disclosed only that an unknown number of acts occurred at unknown times across thirteen months, of unspecified narrative or visual character." The trial court properly gave the jury a unanimity instruction.

On this record, we hold that Decker had sufficient notice of the specific conduct being charged in Count 2 before he filed his motion to dismiss.

(3) There was no prosecutorial misconduct.

Prosecutorial misconduct is "a legal term of art that refers to any improper action committed by a prosecutor, however harmless or unintentional." State v. Willis, 156 Hawai'i 195, 204, 572 P.3d 668, 677 (2025).

When a defendant alleges prosecutorial misconduct, we must decide: (1) whether the prosecutor's conduct was improper; and (2) if so, whether the misconduct was harmless beyond a reasonable doubt – that is, whether there is "a reasonable possibility that the misconduct complained of might have contributed to the conviction." Id.

(a) Decker argues the DPA "improperly branded" him a "monster." Decker testified at trial. During cross-examination, this happened:

Q. Okay. Did you ever push your penis or try to put your penis in her mouth?

A. I've never been naked around her, so no. Absolutely not.

Q. Okay.

A. ***I'm not a monster.***

. . . .

Q. You would agree that it would be unusual for someone who's 10 to be able to describe in detail how you put your penis in her mouth? I'm asking you a question.

A. Okay. Yes, it's absolutely disgusting that someone coached her into saying that. It's messed up, and that's child abuse. That's -- that's so beyond ridiculously absurd.

Q. It is, because only a monster --

A. It is.

Q. -- would do stuff like that, right?

A. Yes, exactly. You're right.

Q. Yeah.

A. Yeah.

Q. Only a monster would --

A. Yes.

Q. -- put his penis --

A. Yeah.

Q. -- in an 8-year-old's mouth?

A. Exactly. You're right.

Q. And move it in and out until the white liquid comes out, only a monster would do that?

A. Any of that. Any -- any -- even before that.

(emphasis added).

Decker did not object to the DPA's questions.

A "defendant who takes the stand in his own behalf is subject to cross-examination like any other witness." State v. McElroy, 105 Hawai'i 352, 356, 97 P.3d 1004, 1008 (2004).

The rules of evidence do not limit cross-examination to the same acts and facts to which a witness has testified on direct examination. Rather, the proper scope of cross-examination includes full development of matters broached on direct examination, including facts reasonably related to matters touched on direct. Thus, ***an accused may be cross-examined as to all matters which he himself has brought up on direct examination.*** The cross-examination of matters which were addressed in direct-examination is not objectionable, even if the answers affect a witness' credibility and character.

Id. at 356-57, 97 P.3d at 1008-09 (emphasis added) (cleaned up).

Decker argues the DPA's cross-examination was improper because she "seized the word and turned it against him, in a rapid series of rhetorical questions[.]" Her line of cross-examination was artful; it was not improper.

(b) Decker argues the DPA improperly told the jury "that Decker essentially admitted he was a monster," and it "was an improper pejorative characterization of the defendant delivered directly to the jury[.]"

The DPA did not say the word "monster" during her closing argument. Decker's attorney used it first, during his closing argument:

These allegations against Tony are, as Tony himself testified, are disgusting, only a monster would do something like that.

In her rebuttal, the DPA argued:

And the defendant said only a monster would do these things. And it's true what defense attorney said. Just because you're disgusted with the allegations, you don't hold that against the defendant, 'cause that's not the standard. You can be disgusted with the allegations, but if the evidence here at trial is enough -- if the evidence that was presented at trial is enough to meet the elements of these offenses beyond a reasonable doubt, you can find that these allegations are disgusting, and you're bound by law to convict the defendant, because the law requires that. If the elements are met beyond a reasonable doubt, the defendant is guilty as charged. Okay. So you're not basing it on disgust, you're not basing it on anything else but the testimony of [CW], all of the corroborating evidence that you'll be reviewing again when you deliberate.

Decker argues the DPA's rebuttal "further swayed the jury's focus from relying to [sic] evidence, to relying on inflamed passion." She did the opposite; she told the jury "[i]f the elements are met beyond a reasonable doubt, the defendant is guilty as charged. . . . So you're not basing it on disgust, you're not basing it on anything else but the testimony of" CW and "all of the corroborating evidence that you'll be reviewing again when you deliberate."

Decker also argues it was improper for the DPA to argue that he used CW as a "sex toy," which "reduces the complainant to an object and invites the jury to convict out of moral revulsion at the image rather than upon a reasoned assessment of the elements."

The DPA began her closing argument by saying:

Anthony Lee Decker used [CW] as his own little sex toy for two years. Starting from when [CW] was 8 years old, he used her as his own little sex toy to fulfill his sexual desires.

Decker did not object to the argument. In his closing, his attorney attacked CW's credibility:

[CW] testified that Tony would try to put his penis in her vagina and it hurt; that he would tie her ankles with the red rope -- red rope belt so he could forcefully put his penis into her vagina, and it hurt; that he would take his mouth and put it on her private parts; that he used a vibrator and put it in her private parts; that he would choke her, literally choke her, by putting his hands around her neck to where she couldn't breathe; and many other alleged acts of sexual contact.

These acts of sexual contact occurred for around one year at a rate of a couple times a week, at least that's what she reported to Dr. Berger-Chen, and then she also testified that it was just an unknown amount of times. These allegations point a picture -- or they paint a picture, ladies and gentlemen, of multiple violent sex assaults by someone that is clearly much larger than [CW]. Yet, there is no physical evidence to corroborate these allegations, because it didn't happen.

In rebuttal, the DPA argued:

[CW] shared -- she shared a lot. It's a lot to wrap your brain around that this 8-year-old girl was subjected to all of these various forms of sexual penetration and sexual contact. It's a lot to wrap your brain around the fact that an adult that she trusted would tie her legs if she kicked, would use a vibrator on her, would treat her like his own sex toy to satisfy his own sexual desires. That's a lot to wrap your brain around. But, again, if you find that [CW] was believable, if you find that the way she testified made sense, if you find her credible, then you got way more than enough.

Decker again did not object. On appeal, he argues the DPA's argument in this case was like the one made in State v. Rogan, 91 Hawai'i 405, 984 P.2d 1231 (1999). There, the defendant was an African-American soldier charged with sexual assault of a twelve-year-old girl in her home. The incident ended when the girl's mother returned home. During closing, the deputy prosecuting attorney argued: "This is every mother's nightmare. Leave your daughter for an hour and a half, and you walk back in, and here's some black, military guy on top of your daughter." Id. at 412, 984 P.2d at 1238 (italics omitted). The supreme court held it was "clearly inflammatory" because it "cast attention to Rogan's race" and was also "a blatantly improper plea to evoke sympathy for the Complainant's mother and represented an implied invitation to the jury to put themselves in her position." Id. at 414, 984 P.2d at 1240.

But "a prosecutor is permitted to draw reasonable inferences from the evidence and wide latitude is allowed in discussing the evidence. It is also within the bounds of legitimate argument for prosecutors to state, discuss, and comment on the evidence as well as to draw all reasonable inferences from the evidence." Rogan, 91 Hawai'i at 412, 984 P.2d at 1238 (quotation marks omitted). Trials are, by their nature, emotional, and cases involving sex abuse of children especially so. "It is not improper for a prosecutor to present evidence or make arguments that causes the jury to feel emotion; it is only improper to make gratuitous appeals to the jury's passion, prejudice, or emotion that have no legitimate bearing on issues relevant to the case." State v. Magbulos, 141 Hawai'i 483, 490, 413 P.3d 387, 394 (App. 2018).

For example, in State v. Bruce, 141 Hawai'i 397, 411 P.3d 300 (2017), the defendants were charged with promoting prostitution. The complaining witness testified the defendants were her pimps, and used physical violence and other means to intimidate and control her to ensure she would continue working for them as a prostitute. The defendants attacked her credibility. In rebuttal, the deputy prosecuting attorney argued:

So this whole thing about [CW] lying and can't be believed, well, the only people who can't be believed was Keshawn Stewart [(another prostitute)] and Mr. Bruce. The fact of the matter is that they treated her like property.

They didn't see her as anything more than a piece of property to pass around, to mistreat, to humiliate, intimidate, beat, and force. That is how they viewed her, and that is how they treated her. But she's not a piece of property. I mean, she's somebody's daughter, she's somebody's friend, she's a mother, she's a woman, she is a person, and she deserves to be treated properly[.]

Id. at 407-08, 411 P.3d at 310-11 (ellipses omitted).

The defendants argued the rebuttal was prosecutorial misconduct. The supreme court held:

Considered in context, it appears that the challenged comments were made at the conclusion of the prosecutor's broader argument that the evidence presented at trial amply demonstrated that Bruce and McKinley treated CW like a piece of property – a mere object that they could pass around,

control, and use to generate revenue. Accordingly, the prosecutor's comments summed up the facts that, in the State's view, supported Bruce's and McKinley's charges, and argued that the jury should find both of them guilty despite defense counsels' arguments to the contrary during their closing arguments. Properly viewed as such, the prosecutor's remarks did not invite the jurors to place themselves in CW's, or any other person's, position, nor did the remarks constitute an improper plea to the jury's passions and prejudices. Consequently, the prosecutor's comments in this case did not rise to the level of misconduct.

Id. at 408, 411 P.3d at 311.

Here, the DPA's argument that Decker used CW "as his own little sex toy" was a reasonable inference based on CW's age and her testimony about the nature and duration of the sexual abuse to which she was subjected. The DPA's argument did not invite the jurors to place themselves in CW's, or any other person's, position, nor was it an improper plea to the jury's passions and prejudices. A reasonable inference to be drawn from CW's testimony is that Decker treated her as an object – a sex toy – rather than as a person. The DPA's argument was not improper.

(c) Decker argues the DPA "improperly disparaged defense's argument and vouched for the complainant by arguing she had no reason to lie and 'gain[ed] nothing' from the allegations." The DPA never uttered the word "lie." Nor did she "vouch" for CW's credibility.

This case turned on credibility. The jury was going to believe either CW or Decker; there was no middle ground. But the DPA never said CW "had no reason to lie." She did not express a personal view about CW's – or Decker's – credibility. See State v. Basham, 132 Hawai'i 97, 115, 319 P.3d 1105, 1123 (2014) (stating that "prosecutors are bound to refrain from expressing their personal views as to a defendant's guilt or the credibility of witnesses").

Nor did she argue that Decker had "no reason to tell the truth." See id. at 116, 319 P.3d at 1124. She said:

And there was absolutely no reason at all for [CW] to make any of this up. And there is absolutely no reason to believe that [CW] made any of this up, because the things she described since -- from when she was 10 years old to the day she sat here in court, only 14, there is no reason for a

10-year-old to be able to describe these things in such detail, how she felt, what he did, all the different acts, the white stuff, how the white stuff was gross. A 10-year-old shouldn't know that stuff. The only reason a 10-year-old would be able to describe that stuff in detail is because she experienced it. And that's exactly what [CW] did when she disclosed when she was 10, and when she sat here in court again under oath and told you all the things that the defendant did to her in her mom's bed when she was 8 to 10 years old.

Decker's attorney argued that CW's mother coached CW to repeat made-up allegations:

Acrimony and control. Acrimony and control by a divorced single mother that would lose control of her way of life with her daughter when Anthony and his son came into their lives. Acrimony and control that provided the impetus for allegations of sexual abuse against Tony regarding [CW], like allegations of sexual abuse made against her ex-husband[.]

.

So let's look at it. Let's look at [CW] and what she has testified to, and why, we respectfully submit, that based on her testimony and the lack of evidence to support or corroborate her testimony, she has fabricated a rendition of events, and Anthony sits in this courtroom facing extremely serious allegations because of this.

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We talked about rehearsed responses, rehearsed memories, and implanting memories when Dr. Bivens testified, which leads us to wonder what happened and what was discussed during the interview at the Children's Justice Center.

In rebuttal, the DPA argued:

There is absolutely no reason at all for [CW] to make this up, at all. The defendant wasn't even living with them anymore. He was out of the house. So maybe he -- defendant and [CW's mother] had problems in their relationship, okay, well, that was done 'cause he was out of the house. Defendant and [CW] never had problems in their relationship, according to him, that wasn't a thing. There's no reason other than she was finally ready to disclose. She disclosed three months after the defendant was gone. They gain nothing, nothing at all.

The only thing that makes sense is exactly what [CW] described. She trusted [her aunty] and she finally felt safe under those circumstances to finally tell, to finally tell. There's no reason for her to come in here and make up things that would've happened over a hundred times in the detail that she provided as a 10-year-old. That's not even reasonable. It doesn't make sense.

If [CW's mother] and [CW] were scheming to make something up, they could've come up with something way

better than this. [CW's mother] could've said she walked in and saw him doing something to [CW]. None of that. There's no testimony of that. They could've come in here united on all kinds of stuff, but that didn't happen. It was all [CW] finally telling you about things that the defendant did to her over and over and over again for two years in her mom's bed. Mom wasn't a witness, and if they were making this up, she could've been one. They could've come in here and said anything, made it super good for you.

. . . .

And based upon [CW]'s testimony -- you know, this is -- this is your time. Who do you believe? Do you believe [CW], 14-year-old girl who came up here and described all these things in detail that matches the stuff she said when she was 10? Or do you believe the defendant, who took the stand and said what he said, pretty much blaming [CW's mother] for being mentally deranged.

A statement about a witness's credibility made without reference to the evidence or facts supporting the assertion is an improper expression of personal opinion. State v. Salavea, 147 Hawai'i 564, 582, 465 P.3d 1011, 1029 (2020). But prosecutors may cite to specific facts or evidence indicating trustworthiness of a witness when discussing the witness's testimony during closing. See id. That is what the DPA did in this case. Her argument was not improper.

The January 12, 2024 *Judgment of Conviction and Sentence* is affirmed.

DATED: Honolulu, Hawai'i, September 29, 2026.

On the briefs:

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Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge