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NO. CAAP-25-0000816

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,
v.
ARTHUR E. HUGHES, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CASE NO. 1DCW-24-0002643)

SUMMARY DISPOSITION ORDER

(By: Leonard, Presiding Judge, McCullen and Guidry, JJ.)

Defendant-Appellant Arthur E. **Hughes** appeals from the District Court of the First Circuit's October 10, 2025 Notice of Entry of Judgment (**Judgment**), convicting Hughes of Criminal Trespass in the First Degree, in violation of Hawai'i Revised Statutes (**HRS**) § 708-813(1)(a)(ii) (2014 & Supp. 2023).¹

On appeal, Hughes contends (1) the evidence was insufficient, and (2) the district court failed to consider the choice of evils defense.

¹ The Honorable Erika E. Ireland presided.

Upon careful review of the record and the briefs submitted by the parties, and having given due consideration to the issues raised and the arguments advanced, we resolve this appeal as discussed below and affirm.

At trial, Hale Koa Hotel Assistant Manager Anthony **Sandstrom** and Honolulu Police Department (**HPD**) Officer Cyler Solomon (**Officer Solomon**) testified on behalf of Plaintiff-Appellee State of Hawai'i.

Sandstrom testified that Hale Koa sits on Fort DeRussy, which is a military base, and is a hotel for military members or those with military affiliation. In August 2024, Sandstrom was called to the lobby to attend to a situation with Hughes. Sandstrom repeatedly asked Hughes for identification or to show he was a guest of the hotel, but Hughes "wouldn't answer." Sandstrom then called HPD.

Officer Solomon testified that he arrived to find Hughes laying on the ground. Officer Solomon asked Hughes "what's going on," and Hughes replied that "his foot is broken." Officer Solomon called for emergency medical services (**EMS**). While waiting for EMS, Sandstrom issued Hughes a "trespass warning document."

When EMS arrived, they parked in the valet driveway area, and Officer Solomon and Hughes (among others) walked over to meet EMS. Officer Solomon testified that Hughes was limping

but did not appear to have any injuries. And EMS told Officer Solomon that nothing appeared to be wrong with Hughes; "[h]e seem[ed] okay."

After being evaluated by EMS, Hughes sat on the ground. Officer Solomon asked Hughes several times to leave and then informed Hughes that he would be arrested if he refused to leave. Hughes stated, "I'll take the arrest please." Hughes was arrested for Criminal Trespass in the First Degree.

The trespass warning document issued by Sandstrom and the video from Officer Solomon's body worn camera (**BWC video**) were received into evidence. The district court found Sandstrom and Officer Solomon to be "very credible." The district court found Hughes guilty as charged and sentenced Hughes to two days' jail with credit for time served, no mittimus issued.

(1) Hughes challenges the sufficiency of the evidence, arguing there was insufficient evidence to establish that he was on the premises of a hotel and that he acted knowingly.

"[E]vidence adduced in the trial court must be considered in the strongest light for the prosecution when the appellate court passes on the legal sufficiency of such evidence to support a conviction" State v. Kalaola, 124 Hawai'i 43, 49, 237 P.3d 1109, 1115 (2010) (alteration in original) (quoting State v. Richie, 88 Hawai'i 19, 33, 960 P.2d 1227, 1241

(1998)). "The test on appeal is not whether guilt is established beyond a reasonable doubt, but whether there was substantial evidence to support the conclusion of the trier of fact." Id. (quoting Richie, 88 Hawai'i at 33, 960 P.2d at 1241). "Substantial evidence as to every material element of the offense charged is credible evidence which is of sufficient quality and probative value to enable a person of reasonable caution to support a conclusion." Id. (citation modified).

(a) Premises of a hotel

Hughes argues the State "failed to prove" he "was ever inside a 'structure' constituting a hotel." Hughes asserts that he was never in the towers where the "roomers and boarders" are; he was in the open-air lobby and valet driveway area. Hughes further asserts that "the evil the legislature sought to remedy was the uncontrolled movement of criminal actors through the interior of hotel and apartment buildings, enclosed spaces where guests reside, sleep, and are entitled to security and privacy."

As relevant to this case, "[a] person commits the offense of criminal trespass in the first degree if . . . [t]hat person knowingly enters or remains unlawfully . . . [i]n or upon the premises of a hotel." HRS § 708-813(1)(a)(ii) (emphases added). To "enter or remain unlawfully" means

to enter or remain in or upon premises when the person is not licensed, invited, or otherwise privileged to do so. A person who, regardless of the person's intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless the

person defies a lawful order not to enter or remain,
personally communicated to the person by the owner of the
premises or some other authorized person.

HRS § 708-800 (2014) (emphases added). A hotel is "a structure
in which a majority of the tenants are roomers or boarders."

HRS § 708-800. And premises "includes any building and any real
property." HRS § 708-800.

Hughes attempts to distinguish between the towers
where the guest rooms are located and other parts of the hotel,
such as the open-air lobby and the valet driveway area.
However, the "premises" of a hotel "includes any building and
any real property." See HRS § 708-800 (emphasis added).

Sandstrom testified that the property consists of 72
acres and includes two towers with 800 rooms and "a circle
round-about with an open-air lobby." Both Sandstrom and Officer
Solomon testified that Hughes was in the open-air lobby. The
district court found their testimony credible. See State v.
Pulse, 83 Hawai'i 229, 244, 925 P.2d 797, 812 (1996) ("The
testimony of one percipient witness can provide sufficient
evidence to support a conviction.").

When viewing the testimony of Sandstrom and Officer
Solomon in the light most favorable to the prosecution,
sufficient evidence existed to support the district court's
conclusion that Hughes was on the premises of a hotel.

(b) Knowingly state of mind

Hughes argues the State "failed to adduce substantial evidence that [he] acted knowingly." Relying on State v. Quizon, Hughes specifically argues the State did not adduce sufficient evidence that "Hughes knew he was in a structure in which a majority of the tenants [were] roomers or boarders." See 136 Hawai'i 28, 356 P.3d 1048, No. CAAP-14-0000752, 2015 WL 5252397, at *2 (App. Sep. 8, 2015) (SDO).

In Quizon, this court noted that, although the defendant was given a trespass warning, the "warning erroneously referred to second-degree trespass upon a 'commercial premises,' instead of first-degree trespass upon a hotel. Therefore, the trespass warning did not provide evidence that [the defendant] knew that the YWCA Fernhurst was a hotel." Id. at *2 (emphasis added).

"A person acts knowingly with respect to attendant circumstances when he is aware that such circumstances exist." HRS § 702-206(2)(b) (2014). And we may draw reasonable inferences from the circumstances surrounding the defendant's conduct:

Given the difficulty of proving the requisite state of mind by direct evidence in criminal cases, we have consistently held that . . . proof by circumstantial evidence and reasonable inferences arising from circumstances surrounding the defendant's conduct is sufficient. . . . Thus, the mind of an alleged offender may be read from his acts, conduct and inferences fairly drawn from all the circumstances.

State v. Batson, 73 Haw. 236, 254, 831 P.2d 924, 934 (1992)

(citation modified).

As Hughes notes, the trespass warning document refers to the United States Code, but it also refers to HRS § 708-800 and the definition of "premises." The trespass warning document states that "[t]he premises you are trespassed from includes but is not limited to the following within the real property of the aforementioned business: rooms, parking lot, garages, lobby, pool, recreation area, loading dock, guest floors, stairwells, restrooms, rooftops, any concessions or restaurants within the property." The trespass warning document also states that Hughes was "trespassed from the Hale Koa Hotel".

Unlike Quizon, the trespass warning document did not "erroneously refer[] to second-degree trespass upon a 'commercial premises,' instead of first-degree trespass upon a hotel." See 2015 WL 5252397, at *2. And "Hale Koa Hotel" was repeated four times on the trespass warning document.

Even if the trespass warning document could not be used as evidence to establish Hughes's state of mind, other evidence established that Hughes was aware he was on the premises of a hotel. Sandstrom testified that he approached Hughes in the center of the lobby, and he believed Hughes was sitting on one of the sofas in the lobby. Sandstrom asked if he was a "hotel" guest, repeatedly. Officer Solomon also testified

that Hughes was in the lobby, and when EMS arrived, Hughes walked from the lobby to the valet driveway area. It is reasonable to infer from Sandstrom and Officer Solomon's testimonies that Hughes was aware he was on the premises of a hotel. See Batson, 73 Haw. at 254, 831 P.2d at 934.

Thus, sufficient evidence supported the district court's conclusion regarding Hughes's state of mind.

(2) Hughes contends the "district court failed to consider the choice of evils defense under HRS § 703-302 despite evidence that [he] did not leave the Fort DeRussy property because of a foot injury." (Formatting altered.) Hughes argues that his "conduct of being a non-violent trespasser was the lesser evil to aggravating his foot injury by leaving a 72-acre property on foot." However, Hughes acknowledges that he did not raise HRS § 703-302 (2014) explicitly below.

HRS § 703-302 provides in relevant part:

(1) Conduct which the actor believes to be necessary to avoid an imminent harm or evil to the actor or to another is justifiable provided that:

- (a) The harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged;
- (b) Neither the Code nor other law defining the offense provides exceptions or defenses dealing with the specific situation involved; and
- (c) A legislative purpose to exclude the justification claimed does not otherwise plainly appear.

HRS § 703-302(1).

Contrary to Hughes's contention, the district court considered his foot injury. The district court found that Hughes was given medical attention, and based on the BWC video admitted into evidence, Hughes "was able to walk." Moreover, the district court found that the BWC video "showed that the EMS worker indicated that [Hughes] was able to walk, that the foot was not swollen, and that he could not see anything wrong with the foot that he complained of." Accordingly, the district court found unpersuasive "any arguments that he was not able to walk or leave the property . . . because there was credible evidence that he could . . . and did in fact walk out to the EMS worker who was out there."

In sum, the evidence presented, as weighed by the district court, showed that the "harm or evil sought to be avoided" (aggravating a purported foot injury) was not "greater than that sought to be prevented" (trespassing). HRS § 703-302(1); see HRS § 641-16 (2016) (providing in part that there shall be no reversal in a criminal case "for any finding depending on the credibility of witnesses or the weight of the evidence"); State v. Eastman, 81 Hawai'i 131, 139, 913 P.2d 57, 65 (1996) ("An appellate court will not pass upon the trial judge's decisions with respect to the credibility of witnesses

and the weight of the evidence, because this is the province of the trial judge.").

Based on the foregoing, we affirm the district court's October 10, 2025 Judgment.

DATED: Honolulu, Hawai'i, October 23, 2026.

On the briefs:	/s/ Katherine G. Leonard Presiding Judge
Jacqueline R. Dyer, Deputy Public Defender, for Defendant-Appellant.	/s/ Sonja M.P. McCullen Associate Judge
Stephen K. Tsushima, Deputy Prosecuting Attorney, City and County of Honolulu, for Plaintiff-Appellee.	/s/ Kimberly T. Guidry Associate Judge