

NO. 22968

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

JOSEPH CHESTER BROWN, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 98-0262)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon carefully reviewing 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 hold that the circuit court correctly determined that the identification of Brown was sufficiently reliable as to be worthy of consideration by the jury, insofar as the record reflects that (1) both of the identifying witnesses (a) had a good opportunity to view Brown at the time of the charged offenses, (b) directed a high degree of attention towards Brown at the time of the charged offenses, (c) accurately described Brown to police officers shortly after the commission of the charged offenses, and (d) displayed a high level of certainty at the time each selected Brown from a field line-up, and (2) the three-day period between the time of the commission of the charged offenses and the identification procedure was so short as to favor reliability, see State v. Okumura, 78 Hawai'i 383, 391-93, 894 P.2d 80, 88-90 (1995); State v. DeCenso, 5 Haw. App. 127, 131-32, 681 P.2d 573, 577-78 (1984). Therefore,

IT IS HEREBY ORDERED that the judgment of conviction and sentence, filed on October 21, 1999, from which the present appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, October 9, 2000.

On the briefs:

Arthur E. Ross, for the
defendant-appellant
Joseph Chester Brown

Mangmang Qui Brown, (Deputy
Prosecuting Attorney),
for the plaintiff-appellee
State of Hawai'i