

NO. 24193

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

---

STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

REED IRVINE, Defendant-Appellant.

---

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT  
(FC-CR. NO. 00-1-302)

SUMMARY DISPOSITION ORDER

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

Defendant-appellant Reed Irvine appeals from the March 1, 2001 judgment of conviction and sentence of the Family Court of the Third Circuit, the Honorable Barbara T. Takase presiding, adjudging him guilty of violation of an order for protection, as defined by Hawai'i Revised Statutes (HRS) § 586-11 (Supp. 2000).<sup>1</sup> Irvine contends that his sentencing was unfairly influenced by consideration of uncharged crimes.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to

---

<sup>1</sup> HRS § 586-11 states in pertinent part, "Whenever an order for protection is granted pursuant to this chapter, a respondent or person to be restrained who knowingly or intentionally violates the order for protection is guilty of a misdemeanor."

the issues raised and the arguments presented,<sup>2</sup> we hold that, because the record on appeal contains neither transcripts nor written findings by the court indicating that it considered improper materials in sentencing Irvine, as he alleges, there is no basis upon which to rule on the merits of Irvine's claim. See State v. Hoang, 93 Hawai'i 333, 336, 3 P.2d 3 P.3d 499, 502 (2000). Therefore,

IT IS HEREBY ORDERED that the March 1, 2001 judgment of conviction and sentence from which this appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, July 12, 2002.

Richard H. S. Sing  
(Linda C. R. Jameson,  
on the brief),  
Deputy Public Defenders,  
for defendant-appellant

Sandra L. S. Freitas,  
Deputy Prosecuting Attorney,  
for plaintiff-appellee

---

<sup>2</sup> Oral argument in this case was held on July 3, 2002.