

NO. 24256

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

MICHAEL JOHN CORCORAN, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(CASE NO. TR5-9: 4/27/01)

SUMMARY DISPOSITION ORDER

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

The defendant-appellant Michael John Corcoran (Corcoran) appeals from the judgment of conviction for driving under the influence of intoxicating liquor, in violation of Hawai'i Revised Statutes (HRS) § 291-4 (2000) issued by the district court of the second circuit, the Honorable Jan K. Apo presiding. On appeal, Corcoran argues: (1) the trial court erred in ruling that the arresting officer had probable cause to believe that Corcoran was intoxicated and (2) the trial court erred in ruling that the "choice of evils" defense was not available.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments¹ made and the issues raised by the parties, we hold that: (1) the trial court correctly ruled that the arresting officer had probable cause to believe that Corcoran was

¹ Oral Argument on the merits was heard on November 13, 2002.

intoxicated, and (2) the "choice of evils" defense, pursuant to HRS § 703-302 (1993), does not apply. Therefore,

IT IS HEREBY ORDERED that the judgment from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i,

Steven Booth Songstad
for defendant-appellant

Tracy A. Jones, Deputy
Prosecuting Attorney, for
plaintiff-appellee