

NO. 24828

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

JEFFERSON SOLOMON KAUILANI PAU, Defendant-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CR. NO. 99-64)

SUMMARY DISPOSITION ORDER

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

Defendant-appellant Jefferson Solomon Kauilani Pau (Pau) appeals from a judgment of conviction and sentence for murder in the second degree in violation of Hawaii Revised Statutes (HRS) § 707-701.5 (1993)¹ of the third circuit court, the Honorable Ronald Ibarra presiding, sentencing him to life imprisonment without the possibility of parole pursuant to HRS § 706-657 (1993)². On appeal, Pau contends that the evidence did not establish beyond a reasonable doubt that the murder was

¹ HRS § 707-701.5 provides:

Murder in the second degree. (1) Except as provided in section 707-701, a person commits the offense of murder in the second degree if the person intentionally or knowingly causes the death of another person. (2) Murder in the second degree is a felony for which the defendant shall be sentenced to imprisonment as provided in section 706-656.

² HRS § 706-657 provides in relevant part:

The court may sentence a person who has been convicted of murder in the second degree to life imprisonment without possibility of parole under section 706-656 if the court finds that the murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity. As used in this section, the phrase especially heinous, atrocious, or cruel, manifesting exceptional depravity means a conscienceless or pitiless crime which is unnecessarily torturous to a victim.

especially heinous, atrocious, or cruel.

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, we affirm the judgment and sentence of the circuit court pursuant to our holding in State v. Young, 93 Hawai'i 224, 999 P.2d 230 (2000). Considering the amount and types of stab wounds Mrs. Ito endured while she was alive and conscious, we hold that substantial evidence -- credible evidence of sufficient quality and probative value -- exists to allow a trier of fact of reasonable caution to support the conclusion that the murder of Mrs. Ito was especially heinous, atrocious, or cruel. Therefore,

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

DATED: Honolulu, Hawai'i, November 8, 2002.

On the briefs:

G. Kay Iopa,
for defendant-appellant

Linda L. Walton
Deputy Prosecuting Attorney,
for plaintiff-appellee