

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 25065

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII, Plaintiff-Appellee

vs.

NORMAN K. MACOMBER, Defendant-Appellant

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APPEAL FROM THE THIRD CIRCUIT COURT  
(CR. NO. 01-1-0170)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.  
and Circuit Judge Gaulty, assigned by reason of vacancy)

Defendant-appellant Norman K. Macomber appeals from the judgment of the circuit court of the third circuit, the Honorable Riki May Amano presiding, convicting Macomber of and sentencing him for (1) assault in the third degree, in violation of Hawai'i Revised Statutes (HRS) § 707-712(1)(a) (1993),<sup>1</sup> and (2) assault in the second degree, in violation of HRS § 710-711(1)(b) (1993).<sup>2</sup> On appeal, Macomber argues that the circuit court erred when it denied his motion to dismiss for lack of jurisdiction.

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 hold that the circuit court properly exercised jurisdiction over Macomber. See

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<sup>1</sup> HRS § 707-712(1)(a) provides that "[a] person commits the offense of assault in the third degree if the person . . . [i]ntentionally, knowingly, or recklessly causes bodily injury to another person[.]"

<sup>2</sup> HRS § 710-711(1)(b) provides that "[a] person commits the offense of assault in the second degree if . . . [t]he person recklessly causes serious bodily injury to another person[.]"

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State v. Jim, 80 Hawai'i 168, 172, 907 P.2d 754, 758 (1995); HRS § 603-21.5(a)(1) (Supp. 2002); HRS § 701-106(a) (1993).

Therefore,

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

DATED: Honolulu, Hawai'i, June 9, 2003.

On the briefs:

Norman K. Macomber,  
defendant-appellant-pro se

Jack N. Matsukawa,  
Deputy Prosecuting Attorney,  
for plaintiff-appellee  
State of Hawai'i