

**NOT FOR PUBLICATION**

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NO. 24304

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
ROBERT CRAWFORD, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(Cr. No. 00-1-0692)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J. Watanabe, and Lim, JJ.)

Defendant-Appellant Robert Crawford (Crawford) appeals from the Final Judgment and Sentence of the Circuit Court of the First Circuit (the circuit court) entered by Judge Virginia Lea Crandall on April 30, 2001, convicting Crawford of and sentencing him for Unlawful Imprisonment in the Second Degree, a violation of Hawaii Revised Statutes § 707-722 (1993).<sup>1</sup>

Crawford's sole contention on appeal is that the circuit court abused its discretion when, on January 30, 2001, it issued its "Findings of Fact, Conclusions of Law, and Order Denying [Crawford's] Motion to Dismiss Indictment for Failure to Present Clearly Exculpatory Evidence to the Grand Jury" (the Order Denying Motion to Dismiss Indictment). Crawford contends that the indictment should have been dismissed because

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<sup>1</sup> Hawaii Revised Statutes § 707-722 (1993) states, in relevant part, as follows:

**Unlawful imprisonment in the second degree.** (1) A person commits the offense of unlawful imprisonment in the second degree if the person knowingly restrains another person.

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Plaintiff-Appellee State of Hawai'i failed to present to the grand jury: (1) evidence that the complaining witness had previously been in a fight that had caused her to suffer an injury to her head; and (2) information about three prior statements made by the complaining witness (one made to the police on March 8, 2000 and the other two made before the grand jury on April 4, 2000) that were inconsistent with her testimony before the grand jury on April 6, 2000.

Based on our review of the record on appeal and having duly considered the case law and statutes relevant to the arguments advanced, particularly, State v. Bell, 60 Haw. 241, 243 589 P.2d 517, 519-21 (1978), we disagree with Crawford. We conclude that the circuit court did not abuse its discretion when it entered the Order Denying Motion to Dismiss Indictment.

Accordingly, the circuit court's April 30, 2001 Final Judgment and Sentence is affirmed.

DATED: Honolulu, Hawai'i, April 17, 2003.

On the briefs:

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and Shawn A. Luiz (law offices  
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