

**NOT FOR PUBLICATION**

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NO. 24321

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
ALAN C. WONG, Defendant-Appellant

APPEAL FROM THE SECOND CIRCUIT COURT  
(CR. NO. 99-0461(3))

MEMORANDUM OPINION

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

Defendant-Appellant Alan C. Wong (Wong) appeals from the Judgment filed May 4, 2001; the Order of Resentencing/Revocation of Probation filed October 18, 2001; and the Order Revoking Probation and Re-sentencing Defendant filed October 30, 2001, in the Circuit Court of the Second Circuit<sup>1</sup> (circuit court).

On appeal, Wong contends the circuit court reversibly erred by (1) admitting State's Exhibits 6B, 6D and 6E into evidence, (2) admitting State's Exhibits 16 through 18 into evidence, and (3) taking judicial notice of Kaulana Street as a public roadway.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to

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<sup>1</sup>The Honorable Joseph E. Cardoza presided.

the arguments advanced and the issues raised by the parties, we resolve Wong's points of error as follows:

(1) Under the standard for establishing chain of custody as set forth in State v. DeSilva, 64 Haw. 40, 41-42, 636 P.2d 728, 730 (1981), the circuit court relied on ample testimony in the record to be reasonably certain that State's Exhibits 6B, 6D and 6E were not tampered with and thus properly found that an adequate chain of custody was established. Therefore, the circuit court did not abuse its discretion in admitting into evidence the gun and both sets of bullets as contained in State's Exhibits 6B, 6D and 6E.

(2) and (3) The circuit court did not abuse its discretion by admitting into evidence State's Exhibits 16 through 18, which formed the bases of its judicial notice, and by informing the jury of what the exhibits reflected. Pursuant to Hawai'i Rules of Evidence Rule 201(b)(2), the circuit court properly took judicial notice of Exhibits 16 through 18, which established that Kaulana Street, as deeded from Kahului Development Co., Ltd. to the County of Maui, was accepted on June 7, 1968 by the Maui Board of Supervisors as a public roadway. Furthermore, Wong presented no evidence indicating that Kaulana Street was not a public roadway after June 7, 1968.

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Therefore,

IT IS HEREBY ORDERED that the Judgment filed May 4, 2001; the Order of Resentencing/Revocation of Probation filed October 18, 2001; and the Order Revoking Probation and Resentencing Defendant filed October 30, 2001, in the Circuit Court of the Second Circuit are affirmed.

DATED: Honolulu, Hawai'i, June 6, 2003.

On the briefs:

Kyle B. Coffman  
for defendant-appellant.

Chief Judge

Arleen Y. Watanabe,  
First Deputy Prosecuting Attorney,  
County of Maui,  
for plaintiff-appellee.

Associate Judge

Associate Judge