

NO. 24911

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
IONATANA ALUALU, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Cr. No. 99-1856)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Ionatana Alualu (Alualu) appeals from the January 14, 2001 Judgment of the Circuit Court of the First Circuit (the circuit court), Judge Karen S.S. Ahn presiding, convicting and sentencing Alualu to one count of Criminal Property Damage in the Second Degree, in violation of Hawaii Revised Statutes (HRS) § 708-821 (Supp. 1999), and one count of Violation of an Order for Protection, in violation of HRS § 586-11 (Supp. 1999).

Alualu argues on appeal that the circuit court "plainly erred" by allowing: (1) the deputy prosecutor to argue his case during jury selection, and (2) a biased juror to continue to serve on the jury.

Based on our review of the record on appeal and the briefs submitted by the parties, and having duly considered the

case law and statutes relevant to the arguments advanced by the parties, we disagree with Alualu and conclude that:

(1) Nothing in the record suggests that the circuit court "plainly erred" by not *sua sponte* preventing the allegedly improper questions by the prosecutor during *voir dire*; and

(2) The record contains no evidence to support Alualu's contention that the juror in question was biased.

We therefore affirm the circuit court's January 14, 2001 Judgment.

DATED: Honolulu, Hawai'i, July 23, 2003.

On the briefs:

Emlyn H. Higa for
defendant-appellant.

Donn Fudo, Deputy
Prosecuting Attorney, City
and County of Honolulu,
for plaintiff-appellee.