

NOT FOR PUBLICATION

NO. 24936

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
RUSSELL K. SOON, SR., Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT,
HONOLULU DIVISION
(HPD CR. NO. SD0100470)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Russell K. Soon (Soon) appeals the October 13, 2003 Judgment of the District Court of the First Circuit, Honolulu Division¹ (district court). Following a bench trial, Soon was convicted of Harassment, in violation of Hawaii Revised Statutes (HRS) § 711-1106(1)(a) (Supp. 2003).² On appeal, Soon contends the district court erred because the evidence was insufficient for the court to find that the contact constituted an offensive physical contact for the purposes of HRS § 711-1106.

¹ The Honorable Patrick O'Connor presided.

² HRS § 711-1106(1)(a) (Supp. 2003) reads as follows:

§711-1106 Harassment. (1) A person commits the offense of harassment if, with intent to harass, annoy, or alarm any other person, that person:

- (a) Strikes, shoves, kicks, or otherwise touches another person in an offensive manner or subjects the other person to offensive physical contact[.]

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Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issue as raised by the parties, we conclude that, viewing the evidence in the light most favorable to the State, there was credible evidence of sufficient quality and probative value to enable a person of reasonable caution to conclude that the evidence supported Soon's conviction. State v. Batson, 73 Haw. 236, 248-49, 831 P.2d 924, 931 (1992). Therefore,

IT IS HEREBY ORDERED that the October 13, 2003 Judgment of the District Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, February 13, 2004.

On the briefs:

Jon N. Ikenaga,
Deputy Public Defender,
for defendant-appellant.

Chief Judge

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

Associate Judge

Associate Judge