

NOT FOR PUBLICATION

NO. 25025

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
SIDNEY LAGARET, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT,
KANE'OHE DIVISION
(HPD Traffic No. 001301610)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Sidney Lagaret (Lagaret) appeals the Judgment filed on October 13, 2003 in the District Court of the First Circuit, Kane'ohe Division (district court).¹

On appeal, Lagaret contends the district court erred by denying his oral motion to dismiss because the State did not present articulable facts to warrant an investigative stop.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we conclude the State presented specific and articulable facts such that a person of reasonable caution would believe that criminal activity was afoot and the investigative stop was justified. State v. Barnes, 58 Haw. 333, 338, 568 P.2d 1207, 1211 (1977).

¹ The Honorable Paula Devens presided.

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Therefore,

IT IS HEREBY ORDERED that the Judgment filed on October 13, 2003 in the District Court of the First Circuit, Kaneohe Division, is affirmed.

DATED: Honolulu, Hawai'i, May 12, 2004.

On the briefs:

Paul J. Cunney,
R. Patrick McPherson, and
Victor J. Bakke,
for defendant-appellant.

Acting Chief Judge

Mark Yuen,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for plaintiff-appellee.

Associate Judge

Associate Judge