

NO. 25233

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
MANUEL CALERO, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-CR. NO. 01-1-2333)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Manuel Calero (Calero) appeals the Order Denying Motion to Withdraw Plea of Guilty filed on June 25, 2002 in the Family Court of the First Circuit (family court).¹

On appeal, Calero argues that the family court erred because he had shown manifest injustice, entitling him to withdraw his plea of guilty because (1) he was not afforded his choice of counsel, (2) he was provided with ineffective assistance of counsel, and (3) the family court committed plain error when the court failed to ask Calero if his counsel had informed him of his possible defenses before accepting his guilty plea.

Upon careful review of the record and briefs submitted by the parties, we hold that the circuit court did not abuse its discretion in denying Calero's motion to withdraw his guilty

¹ The Honorable Darryl Y.C. Choy presided.

plea. State v. Topasna, 94 Hawai'i 444, 451-52, 16 P.3d 849, 856-57 (App. 2000). Calero failed to demonstrate a "manifest injustice" that required the family court to set aside his judgment of conviction. Hawai'i Rules of Penal Procedure Rule 32(d) (2003); Barnett v. State, 91 Hawai'i 20, 28, 979 P.2d 1046, 1054 (1999).

Therefore,

IT IS HEREBY ORDERED that the Order Denying Motion to Withdraw Plea of Guilty filed on June 25, 2002 in the Family Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, November 29, 2004.

On the briefs:

Dwight C.H. Lum
for defendant-appellant.

Mangmang Qiu Brown,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for plaintiff-appellee.

Chief Judge

Associate Judge

Associate Judge