

NOT FOR PUBLICATION

NO. 26263

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

STATE OF HAWAI'I, Plaintiff-Appellee, v. STERLING GRACE,  
Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(Cr. No. 02-1-0346(3))

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant, Sterling Grace (Appellant),

appeals the judgment filed on October 16, 2003 in the Circuit Court of the Second Circuit<sup>1/</sup> sentencing him to multiple terms of imprisonment, resulting in a maximum term of twenty years, for negligent homicide in the first degree, leaving the scene of an automobile accident, promoting a dangerous drug and prohibited acts related to drug paraphernalia. We resolve Appellant's points of error as follows:<sup>2/</sup>

Regarding Appellant's points of error one through three, alleging insufficiency of the evidence, we find, after thorough review of the record and the relevant law, that there was substantial evidence as to every material element of each offense to sustain Appellant's conviction of each offense. See State v. Richie, 88 Hawai'i 19, 960 P.2d 1227 (1998); State v. Arena, 46 Haw. 315, 379 P.2d 594 (1963).

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

<sup>2/</sup> This case was assigned to this court on January 10, 2005.

K. HANAKAHOA  
CLERK APPELLATE COURTS  
STATE OF HAWAII

2005 JUN - 6 AM 10:04

FILED

**NOT FOR PUBLICATION**

---

Regarding Appellant's fourth and final point of error, contesting the Hawai'i Rules of Penal Procedure, Rule 16(e) (9) (ii) (2000) sanction against his counsel, we lack jurisdiction to decide the merits of this issue because the person sanctioned, defense counsel Alan Warner, is not a named party in the notice of appeal. See Hawai'i Rules of Appellate Procedure, Rule 3(c) (2000); Gold v. Harrison, 88 Hawai'i 94, 962 P.2d 353 (1998); Stewart Properties, Inc. v. Brennan, 8 Haw.App. 431, 807 P.2d 606 (1991).<sup>3/</sup>

Therefore,

IT IS HEREBY ORDERED that the October 16, 2003 judgment is affirmed.

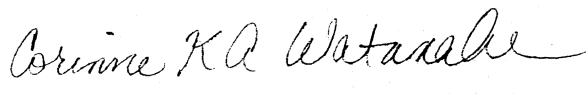
DATED: Honolulu, Hawai'i, June 6, 2005.

On the briefs:

Alan G. Warner and  
Josette Anne Wallace  
(Warner & Wallace),  
for Defendant-Appellant.

  
Chief Judge

Artemio C. Baxa  
Deputy Prosecuting Attorney  
County of Maui,  
for Plaintiff-Appellee.

  
Associate Judge

  
Associate Judge

---

<sup>3/</sup> Even if this court had jurisdiction over this matter, this point on appeal is in violation of Hawai'i Rules of Appellate Procedure (HRAP), Rule 28(b) (4) (2000) because Appellant failed to specify the error allegedly committed by the trial court, and we could disregard it on this basis alone. HRAP 28(b) (4). Counsel is warned that sanctions will be imposed for future violation of court rules. HRAP 51.