

NOT FOR PUBLICATION

NO. 26571

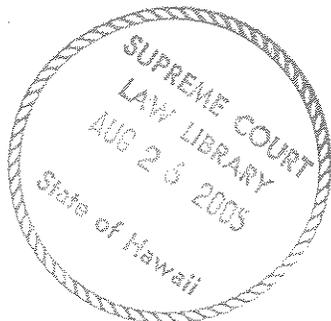
IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
ROBERT SHEREZ, Defendant-Appellant

NOEMAI YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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FILED



APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT,
HONOLULU DIVISION
(HPD TRAFFIC NO. 5647984MO)

SUMMARY DISPOSITION ORDER

(By: Watanabe and Foley, JJ.; and Burns, C.J., Dissenting)

Defendant-Appellant Robert Sherez (Sherez) appeals from the Judgment entered on May 12, 2004 in the District Court of the First Circuit, Honolulu Division^{1/} (district court). The district court found Sherez guilty, as charged, of violating Hawaii Revised Statutes (HRS) § 291-2 (Supp. 2004) by operating a vehicle recklessly in disregard of the safety of persons or property.

On appeal, Sherez contends there was insufficient evidence to support his conviction for reckless driving.

Upon careful review of the record and briefs submitted by the parties and considering the evidence "in the strongest light for the prosecution," we conclude there was "substantial evidence to support the conclusion of the trier of fact" that

^{1/} The Honorable Fa'auuga To'oto'o presided.

Sherez was guilty of reckless driving in violation of HRS § 291-2. State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996).

Accordingly, we affirm the Judgment filed on May 12, 2004.

DATED: Honolulu, Hawai'i, August 25, 2005.

On the briefs:

Salina Kanai Althof,
Deputy Public Defender,
for Defendant-Appellant.



Associate Judge

Loren J. Thomas,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.



Associate Judge