

## NOT FOR PUBLICATION

NO. 26783

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
HUBERT KANEKO, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

(CR. NO. 04-1-1122)

SUMMARY DISPOSITION ORDER

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

Hubert Kanekoa (Defendant) appeals the August 17, 2004 judgment of the Circuit Court of the First Circuit (circuit court)<sup>1</sup> that convicted him of terroristic threatening in the second degree.

After a meticulous review of the record and the briefs submitted by the parties, and giving careful consideration to the arguments advanced and the issues raised by the parties, we resolve Defendant's points of error on appeal as follows:

1. There was substantial and therefore sufficient evidence to support Defendant's conviction. State v. Valdivia, 95 Hawai'i 465, 475-76, 24 P.3d 661, 671-72 (2001); State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996); State v. Taliferro, 77 Hawai'i 196, 201, 881 P.2d 1264, 1269 (App. 1994). Accordingly, the circuit court did not err when it denied Defendant's "motion to dismiss" at the close of the prosecution's

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<sup>1</sup>

The Honorable Rhonda A. Nishimura presided.

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

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case, the prosecution did not fail to prove its case against Defendant beyond a reasonable doubt, and the circuit court did not err when it accepted the jury's verdict and entered its judgment.

2. The circuit court did not err when it refused Defendant's proposed jury instructions no. 6 and no. 7.

Valdivia, 95 Hawai'i at 475-76, 24 P.3d at 671-72.

Therefore,

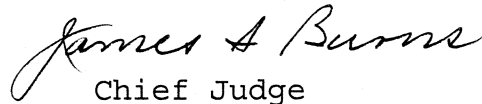
IT IS HEREBY ORDERED that the August 17, 2004 judgment of the circuit court is affirmed.

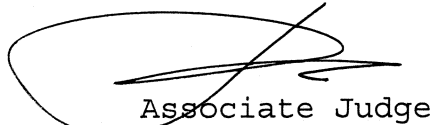
DATED: Honolulu, Hawai'i, December 28, 2005.

On the briefs:

James M. Sattler  
for Defendant-Appellant.

Stephen K. Tsushima,  
Deputy Prosecuting Attorney,  
City and County of Honolulu,  
for Plaintiff-Appellee.

  
Chief Judge

  
Associate Judge

  
Associate Judge