

NOT FOR PUBLICATION

NO. 26868

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
JACK JACOB AH-KEY, Defendant-Appellant

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2005 NOV 16 AM 10:19

FILED

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-CR NO. 00-1-2901)

SUMMARY DISPOSITION ORDER

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

Jack Jacob Ah-Key appeals the September 10, 2004 judgment of the Family Court of the First Circuit (family court)¹ that convicted him, as charged, of abuse of a family or household member and 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 hold that (1) the family court was not wrong to admit oral statements made by the complaining witness to a responding police officer, Hawaii Rules of Evidence Rule 803(b)(2) (1993); State v. Moore, 82 Hawai'i 202, 217, 921 P.2d 122, 137 (1996); State v. Clark, 83 Hawai'i 289, 297, 926 P.2d 194, 202 (1996), and (2) the deputy prosecuting attorney did not commit misconduct during closing arguments. Clark, 83 Hawai'i at 305, 926 P.2d at 210.

¹ The Honorable Michael D. Wilson presided over the jury trial. The Honorable Patrick W. Border presided over the sentencing.

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Therefore,

IT IS HEREBY ORDERED that the September 10, 2004 judgment of the family court is affirmed.

DATED: Honolulu, Hawai'i, November 16, 2005.

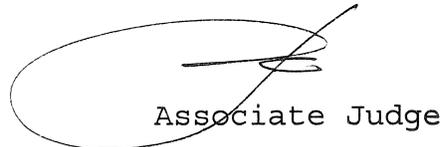
On the briefs:

Emmanuel G. Guerrero
for Defendant-Appellant.

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


Chief Judge


Associate Judge


Associate Judge