

NOT FOR PUBLICATION

NO. 26883

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
MINH TRUONG, Defendant-Appellant

NORMA I. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2005 NOV 16 AM 10:21

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(HPD CR. NO. 04186780)

SUMMARY DISPOSITION ORDER

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

Minh Hien Truong appeals the September 9, 2004 judgment of the District Court of the First Circuit (district court)¹ that convicted him of harassment.

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 conclude (1) the district court did not apply the wrong standard of proof, State v. Aplaca, 74 Haw. 54, 66, 837 P.2d 1298, 1305 (1992), and (2) there was substantial evidence to support the district court's decision. State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996).

¹

The Honorable Fa'auuga To'oto'o presided.

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Therefore,

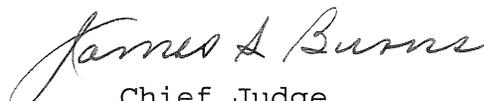
IT IS HEREBY ORDERED that the September 9, 2004 judgment of the district court is affirmed.

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

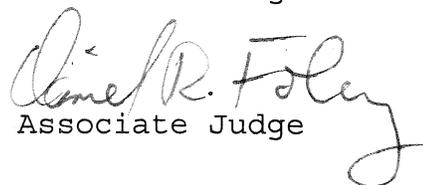
On the briefs:

David R. Lusk,
Deputy Public Defender,
for Defendant-Appellant.

Anne K. Clarkin,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.


Chief Judge


Associate Judge


Associate Judge