

NOT FOR PUBLICATION

NO. 26948

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
KATHY L. PUHA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH HILO DIVISION

(REPORT NO. H-83825)

SUMMARY DISPOSITION ORDER

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

Kathy L. Puhā (Defendant) appeals the October 6, 2004 judgment of the District Court of the Third Circuit (district court)¹ that convicted her of theft in the fourth degree by shoplifting.

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 there was substantial evidence that Defendant concealed or took possession of the merchandise with intent to defraud. 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).

Therefore,

IT IS HEREBY ORDERED that the October 6, 2004 judgment of the district court is affirmed.

¹

The Honorable Barbara T. Takase presided.

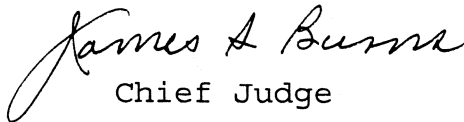
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STATE OF HAWAII

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


On the briefs:

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


Chief Judge

Glenn Shiigi,
Deputy Prosecuting Attorney,
County of Hawai'i,
for Plaintiff-Appellee.


Associate Judge


Associate Judge