

NOT FOR PUBLICATION

NO. 26211

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
MAILA F. BEZERRA, Defendant-AppellantNORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(HPD Traffic No. 5551372MO)SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Maila F. Bezerra (Bezerra) appeals from the Judgment entered by the District Court of the First Circuit (the district court)^{1/} on October 10, 2003, convicting and sentencing her for the petty misdemeanor offense of non-obedience to a police officer's direction, a violation of Hawaii Revised Statutes (HRS) § 291C-23 (1993).^{2/}

Bezerra's sole point of error is that the district court erred in denying her Motion for Judgment of Acquittal because insufficient evidence was presented for the district court to conclude, beyond a reasonable doubt, that she disobeyed the order of a police officer. Specifically, Bezerra contends that Plaintiff-Appellee State of Hawai'i failed to prove, beyond

^{1/} The Honorable James Dannenberg presided.

^{2/} Hawaii Revised Statutes 291C-23 (1993) provides:

Obedience to police officers. It shall be a petty misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

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a reasonable doubt, that: (1) Pi'ikoi Street, upon which Bezerra was operating a vehicle the day she was arrested, is a highway as the term is defined in HRS § 291C-1; (2) the police officer who ordered her to stop her vehicle was "invested by law with authority to direct, control, or regulate traffic"; and (3) Bezerra willfully failed or refused to comply with the lawful order of a police order.

Upon carefully reviewing the record and the briefs submitted by the parties and having duly considered the statutes, case law, and rules of evidence relevant to the arguments advanced by the parties, we disagree with Bezerra.

Accordingly, we affirm the Judgment from which this appeal was taken.

DATED: Honolulu, Hawai'i, February 9, 2006.

On the briefs:

Daisy Lynn B. Hartsfield,
deputy public defender,
for defendant-appellant.

Alexa D. M. Fujise,
deputy prosecuting attorney,
for plaintiff-appellee.

James A. Burns

Corinne K. A. Watanelle

Chanel R. Fdy