

NOT FOR PUBLICATION

NO. 26651

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
EMI OYAMADA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(HPD Cr. No. 03402634)

SUMMARY DISPOSITION ORDER

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

Emi Oyamada (Defendant) appeals the June 24, 2004 judgment of the District Court of the First Circuit (district court)¹ that convicted her of disorderly conduct.

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 reverse, because there was not sufficient evidence to convict Defendant under Hawaii Revised Statutes (HRS) § 711-1101(1)(a) (1993 & Supp. 2004), Commentary on § 711-1101; State v. Pauole, 5 Haw. App. 120, 121, 678 P.2d 1107, 1108 (1984); State v. Faulkner, 64 Haw. 101, 104-05, 637 P.2d 770, 773-74 (1981); State v. Leung, 79 Hawai'i 538, 544, 904 P.2d 552, 558 (App. 1995); State v. Moser, 107 Hawai'i 159, 173-76, 111 P.3d 54, 68-71 (App. 2005), or under HRS § 711-1101(1)(b) (1993 & Supp. 2004). State v. Nakasone, 1 Haw. App. 10, 12-13, 612 P.2d 123, 124-25 (1980); Faulkner, 64 Haw. at 104-06, 637 P.2d at 773-74; State v. Elliott, 77 Hawai'i 314, 318, 884 P.2d 377, 381 (App. 1994),

¹

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

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rev'd on other grounds, 77 Hawai'i 309, 884 P.2d 372 (1994);
State v. Najibi, 78 Hawai'i 282, 286, 892 P.2d 475, 479 (App.
1995); Leung, 79 Hawai'i at 544-45, 904 P.2d at 558-59; Moser,
107 Hawai'i at 172-76, 111 P.3d at 67-71.

Therefore,

IT IS HEREBY ORDERED that the June 24, 2004 judgment of
the district court is reversed.

DATED: Honolulu, Hawai'i, January 24, 2006.

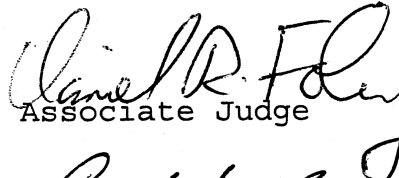
On the briefs:

Pamela E. Tamashiro
for Defendant-Appellant.

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



Acting Chief Judge



Associate Judge



Associate Judge