

NOT FOR PUBLICATION

NO. 27055

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
MICAH DAVIS, Defendant-Appellant

NORMA T. YARRA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2006 JUN 29 AM 8:54

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT,  
HONOLULU DIVISION  
(CASE NO. 04436823)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Micah Davis (Davis) appeals from Judgment entered on December 2, 2004 in the District Court of the First Circuit, Honolulu Division (district court).<sup>1/</sup> The district court found Davis guilty of one count of Assault in the Third Degree, in violation of Hawaii Revised Statutes (HRS) § 707-712(1)(a) (1993).<sup>2/</sup>

<sup>1/</sup> The Honorable Fa'auuga To'oto'o presided.

<sup>2/</sup> Hawaii Revised Statutes (HRS) § 707-712 (1993) provides in relevant part:

**§707-712 Assault in the third degree.** (1) A person commits the offense of assault in the third degree if the person:

(a) Intentionally, knowingly, or recklessly causes bodily injury to another person[.]

(2) Assault in the third degree is a misdemeanor unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty misdemeanor.

On appeal, Davis argues that (1) there was insufficient evidence to show that Gina Quiby (Quiby) suffered bodily injury as a result of the alleged assault committed by Davis, and (2) there was insufficient evidence to conclude that Davis acted with the requisite state of mind of intentionally, knowingly, or recklessly causing bodily injury to Quiby.

On December 1, 2004, the State orally charged Davis with Assault in the Third Degree. The charge alleged that on or about October 26, 2004, Davis did intentionally, knowingly or recklessly cause bodily injury to another person, to wit, Quiby.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues as raised by the parties, we conclude that there was substantial evidence adduced at trial to support the district court's finding that Davis did intentionally, knowingly or recklessly cause bodily injury to Quiby on October 26, 2004. State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996); State v. Gaston, 108 Hawai'i 308, 311, 119 P.3d 616, 619, reconsideration denied, 108 Hawai'i 314, 119 P.3d 622 (App. 2005), cert. denied, 108 Hawai'i 379, 120 P.3d 735 (2005); State v. Naeole, 62 Haw. 563, 565, 617 P.2d 820, 823 (1980); see HRS §§ 701-114 (1993) and 702-205 (1993); State v. Valdivia, 95 Hawai'i 465, 473, 24 P.3d 661, 669 (2001).

Therefore,

The Judgment entered on December 2, 2004 in the District Court of the First Circuit, Honolulu Division, is affirmed.

DATED: Honolulu, Hawai'i, June 29, 2006.

On the briefs:

Keaookalani Mattos,  
Deputy Public Defender,  
for Defendant-Appellant.



Acting Chief Judge

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



Associate Judge



Associate Judge