

NOT FOR PUBLICATION

NO. 27165

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
STEWART SAX, Defendant-Appellant

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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FILED

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
SOUTH KOHALA DIVISION
(Police Rpt. No. H-74696)

SUMMARY DISPOSITION ORDER

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

Stewart Sax (Defendant) appeals the February 9, 2005 judgment of the District Court of the Third Circuit (district court)¹ that convicted him of terroristic threatening in the second degree.

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 resolve Defendant's points of error on appeal as follows:

(1) There was substantial and therefore sufficient evidence to support the conclusion of the trier of fact. State v. Valdivia, 95 Hawai'i 465, 476, 24 P.3d 661, 672 (2001); State v. Richie, 88 Hawai'i 19, 33, 960 P.2d 1227, 1241 (1998); State v. Pulse, 83 Hawai'i 229, 244-45, 925 P.2d 797, 812-13 (1996).

(2) We presume the district court applied the law correctly, and given the lack of any contrary indication in the

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The Honorable Colin L. Love presided.

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record, we conclude that it did. Au-Hoy v. Au-Hoy, 60 Haw. 354, 358, 590 P.2d 80, 83 (1979).

Therefore,

IT IS HEREBY ORDERED that the February 9, 2005 judgment of the district court is affirmed.

DATED: Honolulu, Hawai'i, March 20, 2006.

On the briefs:

Harry Eliason
for Defendant-Appellant.

Janet R. Garcia,
Deputy Prosecuting Attorney,
County of Hawai'i,
for Plaintiff-Appellee.


Acting Chief Judge


Associate Judge


Associate Judge