

NOT FOR PUBLICATION

NO. 27202

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
ADAM MICHAEL RUGGIERO, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT  
(Case Nos. 04-56974 and 04-56967)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Adam Michael Ruggiero (Ruggiero) appeals from the Judgments entered by the District Court of the Second Circuit<sup>1/</sup> on March 1, 2005, convicting and sentencing him for Operating a Vehicle Under the Influence of an Intoxicant, in violation of Hawaii Revised Statutes (HRS) § 291E-61 (Supp. 2003),<sup>2/</sup> and Inattention to Driving, in violation of HRS § 291-12 (Supp. 2005).<sup>3/</sup> This appeal was filed on March 22, 2005 and

---

<sup>1/</sup>The Honorable Rhonda I.L. Loo presided.

<sup>2/</sup>Hawaii Revised Statutes (HRS) § 291E-61 (Supp. 2003) stated, in relevant part:

**Operating a vehicle under the influence of an intoxicant.** (a) A person commits the offense of operating a vehicle under the influence of an intoxicant if the person operates or assumes actual physical control of a vehicle:

- (1) While under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty[.]

<sup>3/</sup>HRS § 291-12 (Supp. 2005) states now, as it did when Defendant-Appellant Adam Michael Ruggiero (Ruggiero) was arrested, that "[w]hoever operates any vehicle without due care or in a manner as to cause a collision with, or injury or damage to, as the case may be, any person,

(continued...)

FILED  
2006 JUN 15 AM 7:47  
CLERK APPELLATE COURTS  
STATE OF HAWAII  
E.L. JIMANNO

assigned to this court on February 15, 2006.

On appeal, Ruggiero asserts that there was "insufficient evidence to support a finding that [he] operated a vehicle without due care or in a manner as to cause a collision with other property in violation of HRS § 291-12."<sup>4/</sup> In support of this assertion, Ruggiero argues, inter alia, that (1) there were no witnesses who observed Ruggiero operating the vehicle; and (2) "the mere occurrence of an accident, without more, is insufficient to sustain a conviction of inattention to driving." State v. Mitchell, 94 Hawai'i 388, 401, 15 P.3d 314, 327 (App. 2000).

After carefully reviewing the record on appeal and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties, we disagree with Ruggiero. We note that "[w]hile more than the 'mere fact that there was a collision' must be shown, the physical evidence can well attest to the negligent manner in which the defendant operated the vehicle[,]" State v. Tamanaha, 46 Haw. 245, 257, 377 P.2d 688, 695 (1962), and that

---

<sup>3/</sup>(...continued)

vehicle or other property shall be fined not more than \$500 or imprisoned not more than thirty days, or both."

<sup>4/</sup>Ruggiero does not contend that the District Court of the Second Circuit (the district court) erred in convicting him of Operating a Vehicle Under the Influence of an Intoxicant. Therefore, we affirm, without further discussion, the Judgment of the district court, convicting Ruggiero of Operating a Vehicle Under the Influence of an Intoxicant, in violation of HRS § 291E-61.

**NOT FOR PUBLICATION**

---

such evidence was presented in this case.

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

DATED: Honolulu, Hawai'i, June 15, 2006.

On the briefs:

Taryn R. Tomasa,  
deputy public defender,  
State of Hawai'i,  
for defendant-appellant.

Arleen Y. Watanabe,  
deputy prosecuting attorney,  
County of Maui,  
for plaintiff-appellee.

*James A Burns*  
*Corinne K A Watanabe*  
*Daniel R Foley*