

NOT FOR PUBLICATION

NO. 27270

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
HANIN DESWYN DAVALOS, Defendant-Appellant,  
and  
PATSY B. KAHAUNAELE, Defendant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CR. NO. 04-1-0844)

E.M. RIMANDO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

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FILED

SUMMARY DISPOSITION ORDER

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

Hanin Deswyn Davalos (Defendant) appeals the April 4, 2005 judgment of the Circuit Court of the First Circuit (circuit court)<sup>1</sup> that convicted him of promoting a dangerous drug in the second degree.

After a sedulous 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. Evidence was adduced at trial sufficient to enable a person of reasonable caution to conclude that Defendant transferred crystal methamphetamine to an undercover police officer on behalf of the seller. Hawaii Revised Statutes (HRS) § 712-1242(1)(c) (1993); HRS § 712-1240 (1993) (definition of "to distribute"); State v. Balanza, 93 Hawai'i 279, 287, 1 P.3d 281, 289 (2000). Hence, there was substantial evidence to support

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<sup>1</sup> The Honorable Virginia Lea Crandall presided.

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Defendant's conviction. Id. at 283, 1 P.3d at 285.

2. The circuit court did not err in refusing Defendant's jury instruction on the procuring agent defense because the evidence adduced at trial did not prove only a sale. Id. at 288, 1 P.3d at 290.

Therefore,

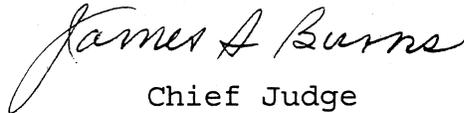
IT IS HEREBY ORDERED that the circuit court's April 4, 2005 judgment is affirmed.

DATED: Honolulu, Hawai'i, July 11, 2006

On the briefs:

Annalisa B. Kaimihana,  
Deputy Public Defender,  
for Defendant-Appellant.

Stephen K. Tsushima,  
Deputy Prosecuting Attorney,  
City and County of Honolulu,  
for Plaintiff-Appellee.

  
Chief Judge

  
Associate Judge

  
Associate Judge