

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 25416

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

IN THE INTEREST OF JOHN DOE, Born on May 2, 1983, a Minor
APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-J NO. 0037695)

NORMA T. YRA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 JAN 31 AM 8:06

FILED

SUMMARY DISPOSITION ORDER

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

John Doe (Minor) appeals the August 20, 2002 order of the Family Court of the First Circuit (family court)¹ that denied his July 19, 2002 post-adjudication motion. In his motion, Minor sought to withdraw his April 3, 1998 admission to the offense of robbery in the second degree. Minor also appeals the September 23, 2002 order that denied his September 9, 2002 motion for reconsideration.²

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 dispose of Minor's points of error on appeal as follows:

1. In denying Minor's motion to withdraw his admission to robbery in the second degree, the family court did not abuse

¹ The Honorable Lillian Ramirez-Uy presided.

² Minor does not specify or argue error with particular respect to the Family Court of the First Circuit's (family court) September 23, 2002 denial of his motion for reconsideration. Hence, we will not review and thus affirm the family court's September 23, 2002 order. See Hawaii Rules of Appellate Procedure (HRAP) Rule 28(b)(4) (2004); Wright v. Chatman, 2 Haw. App. 74, 76-77, 625 P.2d 1060, 1062 (1981); HRAP Rule 28(b)(7) (2004); Weinberg v. Mauch, 78 Hawaii 40, 49, 890 P.2d 277, 286 (1995); In re Wai'ola O Moloka'i, Inc., 103 Hawaii 401, 438 n.33, 83 P.3d 664, 701 n.33 (2004).

its discretion, State v. Nguyen, 81 Hawai'i 279, 286, 916 P.2d 689, 696 (1996), because Minor knowingly and voluntarily entered his admission. Id. at 292, 916 P.2d at 702. Contrary to Minor's averments on appeal,

- (a) the family court properly determined prior to taking Minor's admission that he had an adequate understanding of the offense he was to admit to committing, Hawai'i Rules of Penal Procedure (HRPP) Rule 11(c)(1) (1998); State v. Malivao, 105 Hawai'i 414, 420, 98 P.3d 285, 291 (App. 2004); State v. Aeto, 105 Hawai'i 257, 261, 96 P.3d 586, 590 (App. 2004),
- (b) the family court properly determined that there was a factual basis for the admission, HRPP Rule 11(f) (1998); Hawaii Revised Statutes § 708-841(1)(b) (1993); State v. Merino, 81 Hawai'i 198, 217, 915 P.2d 672, 691 (1996), and
- (c) the family court was not obligated to tell Minor prior to taking his admission that his adjudication for robbery in the second degree would render him ineligible in the future for sentencing as a young adult defendant. HRPP Rule 11, passim (1998); Nguyen, 81 Hawai'i at 287-88, 916 P.2d at 697-98.

2. Minor has not established that his counsel at the

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time of the admission rendered ineffective assistance. State v. Wakisaka, 102 Hawai'i 504, 513-14, 78 P.3d 317, 326-27 (2003).

Therefore,

IT IS HEREBY ORDERED that the family court's August 20, 2002 order denying Minor's motion to withdraw his admission, and its September 23, 2002 order denying his motion for reconsideration, are affirmed.

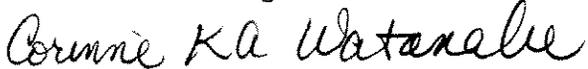
DATED: Honolulu, Hawai'i, January 31, 2007.

On the briefs:

Brian A. Costa,
for Minor-Appellant.

Mark Yuen,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.


Chief Judge



Associate Judge


Associate Judge