

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 26696

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

STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
CHRISTOPHER B. GRINDLING, Defendant-Appellant

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2007 FEB 23 AM 9:40

FILED

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT  
(CASE NOS. 04-48531; 04-48534)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding Judge, Nakamura, and Fujise, JJ.)

Defendant-Appellant Christopher B. Grindling (Grindling) appeals from the two Judgments filed on June 23, 2004, in the District Court of the Second Circuit (district court).<sup>1</sup> After a bench trial, the district court found Grindling guilty of second degree criminal tampering, in violation of Hawaii Revised Statutes (HRS) Section 708-827 (Supp. 2006)<sup>2</sup> (Count 1/Case No. CT8/Citation/Report No. 04-48534), and harassment, in violation of HRS Section 711-1106 (Supp. 2006)<sup>3</sup>

---

<sup>1</sup> The Honorable Barclay E. MacDonald presided.

<sup>2</sup> Hawaii Revised Statutes (HRS) Section 708-827 (Supp. 2006) provides, in relevant part:

(1) A person commits the offense of criminal tampering in the second degree if the person intentionally tampers with property of another person, without the other person's consent, with intent to cause substantial inconvenience to that person or to another.

<sup>3</sup> HRS Section 711-1106 (Supp. 2006) provides, in relevant part:

(1) A person commits the offense of harassment if, with intent to harass, annoy, or alarm any other person, that person:

(Count 2/Case No. CT7/Citation/Report No. 04-48531). The district court sentenced Grindling to concurrent terms of imprisonment of ten days on each count with credit for time served.

On appeal, Grindling asserts that the district court erred in finding him guilty of second degree criminal tampering and harassment because Plaintiff-Appellee State of Hawai'i (the State) failed to present sufficient evidence to prove that he committed those offenses. As to the second degree criminal tampering charge, Grindling contends that the State failed to prove beyond a reasonable doubt that a) he was the person who put toilet paper on the video surveillance cameras and b) he acted with the required state of mind. As to the harassment charge, Grindling contends that the State failed to prove beyond a reasonable doubt that a) his threat to damage property was one that he was reasonably capable of carrying out and b) he acted with the required state of mind.

After a careful review of the record and the briefs submitted by the parties, we hold that the State presented sufficient evidence to prove that Grindling was guilty of second degree criminal tampering and harassment. When reviewing a challenge to the sufficiency of the evidence, we give full play to the province of the trier of fact to determine credibility,

---

(b) Insults, taunts, or challenges another person in a manner . . . that would cause the other person to reasonably believe that the actor intends to cause . . . damage to the property of the recipient or another[.]

weigh the evidence, and draw rational inferences from the facts. State v. Yabusaki, 58 Haw. 404, 411, 570 P.2d 844, 848 (1977). Viewing the evidence in the light most favorable to the State, we conclude that there was substantial evidence to support the district court's conclusion that Grindling was guilty of second degree criminal tampering and harassment. See State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996); State v. Ildefonso, 72 Haw. 573, 576, 827 P.2d 648, 651 (1992).

IT IS HEREBY ORDERED that the two June 23, 2004, Judgments entered by the District Court of the Second Circuit with respect to Grindling's convictions and sentences for second degree criminal tampering (Count 1/Case No. CT8/Citation/Report No. 04-48534) and harassment (Count 2/Case No. CT7/Citation/Report No. 04-48531) are affirmed.

DATED: Honolulu, Hawai'i, February 23, 2007.

On the briefs:

Steven Booth Songstad  
for Defendant-Appellant

Peter A. Hanano  
Deputy Prosecuting Attorney  
County of Maui  
for Plaintiff-Appellee

  
Presiding Judge

  
Associate Judge

  
Associate Judge