

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 26851

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
ALANA PAULO-TAMASHIRO, Defendant-Appellant

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

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FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT,  
HONOLULU DIVISION  
(HPD TRAFFIC NO. 5464167MO)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Alana Paulo-Tamashiro (Tamashiro) appeals from the Judgment filed on September 15, 2004 in the District Court of the First Circuit, Honolulu Division (district court).<sup>1/</sup>

On May 21, 2004, the State of Hawai'i (the State) charged Tamashiro by way of oral arraignment in district court with the offenses of Obedience of Police Officers, in violation of Hawaii Revised Statutes (HRS) § 291C-23 (1993), and Reckless Driving, in violation of HRS § 291-2 (Supp. 2006).<sup>2/</sup> After a bench trial, the district court convicted Tamashiro of Reckless Driving.

On June 3, 2004, Tamashiro filed a Motion for New Trial, or in the Alternative, Motion to Vacate Guilty Verdict (Motion for New Trial). The motion was subsequently denied. Tamashiro timely appealed.

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<sup>1/</sup> Per diem District Court Judge Patricia McManaman presided.

<sup>2/</sup> Tamashiro was also charged with a third offense: exhibition of speed. However, the State dismissed this charge prior to trial.

On appeal, Tamashiro argues that (1) the district court's oral Findings of Facts were insufficient to support her charge of reckless driving because the findings did not address every material element of the offense; (2) even assuming arguendo that there was sufficient evidence, an appellate court would be left with a definite and firm conviction that a mistake had been committed; and (3) the district court abused its discretion in not granting a new trial or, in the alternative, in not vacating the guilty verdict.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues as raised by the parties, we conclude:

(1) There was substantial evidence adduced at trial to support the district court's finding that Tamashiro drove her vehicle in a reckless manner without regard for the safety of Officer Lee, thereby committing on February 1, 2004 the offense of Reckless Driving. HRS § 291-2; HRS § 702-206(3) (1993); HRS § 701-114 (1993); HRS § 702-205 (1993); State v. Gaston, 108 Hawai'i 308, 311, 119 P.3d 616, 619, cert. denied, 108 Hawai'i 379, 120 P.3d 735 (2005); State v. Aplaca, 96 Hawai'i 17, 21, 25 P.3d 792, 796 (2001); State v. Naeole, 62 Haw. 563, 565, 617 P.2d 820, 823 (1980); State v. Valdivia, 95 Hawai'i 465, 473, 24 P.3d 661, 669 (2001); State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996). The district court made general findings of fact and was not requested by the parties, and therefore was not required, to make special findings of fact. Hawai'i Rules of Penal Procedure Rule 23(c).

(2) Tamashiro argues that because the State dismissed one of her three offenses before going to trial and the district court subsequently found her not guilty of one of the remaining two offenses, this court should reverse her sole conviction for

the Reckless Driving charge "on the grounds that would leave it with a definite and firm conviction that a mistake has been committed." Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(b)(7) mandates that in presenting an argument, an appellant must endow the argument with citations to authorities, statutes, and parts of the record relied upon. Here, Tamashiro fails to provide this court with any authority to support her argument. Thus, it is deemed waived.

(3) The district court did not abuse its discretion in denying Tamashiro's Motion for New Trial. State v. Hicks, 113 Hawai'i 60, 69-70, 148 P.3d 493, 502-03 (2006); State v. Yamada, 108 Hawai'i 474, 478, 122 P.3d 254, 258 (2005); State v. St. Clair, 101 Hawai'i 280, 287, 67 P.3d 779, 786 (2003).

Therefore,

IT IS HEREBY ORDERED that the Judgment filed on September 15, 2004 in the District Court of the First Circuit, Honolulu Division, is affirmed.

DATED: Honolulu, Hawai'i, June 21, 2007.

On the briefs:

Robert K. Matsumoto  
for Defendant-Appellant.

Anne K. Clarkin,  
Deputy Prosecuting Attorney,  
City and County of Honolulu,  
for Plaintiff-Appellee.



Chief Judge



Associate Judge



Associate Judge