

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27722

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

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

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(HPD TRAFFIC NOS. 5878068MO and 5878069MO)

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

2007 APR 13 AM 8:55

FILED

SUMMARY DISPOSITION ORDER

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

Michael Spillner (Defendant) appeals the two January 4, 2006 judgments of the District Court of the First Circuit (district court)¹ that convicted him of driving without a license and driving without no-fault insurance, respectively (citation nos. 5878068MO and 5878069MO).

After a diligent 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. Because the citing officer had "reasonable suspicion that [Defendant] was engaged in criminal conduct[,]" State v. Eleneki, 106 Hawai'i 177, 180, 102 P.3d 1075, 1078 (2004) (citation, internal quotation marks and emphasis omitted), the district court's denial of Defendant's August 15, 2005 motion to suppress evidence and statements was correct. Id.

2. Because Defendant did not object below to his

¹ The Honorable Valerie Chang presided.

enhanced sentence for driving without no-fault insurance, he waived his contention on appeal that the district court abused its discretion in imposing it. State v. Watson, 71 Haw. 258, 259, 787 P.2d 691, 692 (1990); State v. Hoglund, 71 Haw. 147, 150-51, 785 P.2d 1311, 1313 (1990) (citation omitted). Indeed, the record of proceedings below reflects that the enhanced sentence was affirmatively "conceded by the [D]efendant[.]" State v. Afong, 61 Haw. 281, 282, 602 P.2d 927, 929 (1979).

Therefore,

IT IS HEREBY ORDERED that the two January 4, 2006 judgments of the district court are affirmed.

DATED: Honolulu, Hawai'i, April 13, 2007.

On the briefs:

Lila C.A. King,
Deputy Public Defender,
for Defendant-Appellant.

Brian R. Vincent,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.



Presiding Judge

Daniel R. Foley
Associate Judge

Craig H. McKee
Associate Judge