

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27795

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
TALALEMOTU LEIATO, Defendant-Appellant

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2007 MAR 16 AM 9:38

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 05-1-0510)

SUMMARY DISPOSITION ORDER

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

Talalemotu Leiato (Defendant) appeals the February 1, 2006 judgment of the Circuit Court of the First Circuit (circuit court)¹ that convicted him, upon a jury's verdict, of promoting a dangerous drug in the second degree.

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 conclude that, given the prerogative of the jury to determine the credibility of the witnesses and the weight of the evidence, State v. Taliferro, 77 Hawai'i 196, 201, 881 P.2d 1264, 1269 (App. 1994), and to make all reasonable and rational inferences under the facts in evidence, including circumstantial evidence, State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996), there was substantial evidence to support Defendant's conviction. Id.

Therefore,

¹ The Honorable Dexter D. Del Rosario presided.

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IT IS HEREBY ORDERED that the February 1, 2006 judgment of the circuit court is affirmed.

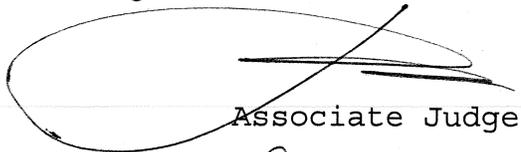
DATED: Honolulu, Hawai'i, March 16, 2007.

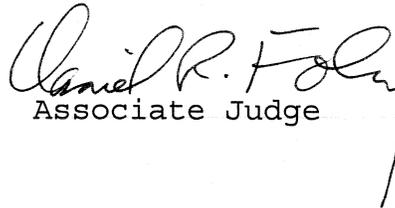
On the briefs:

William M. Domingo,
for Defendant-Appellant.

James M. Anderson,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.


Chief Judge


Associate Judge


Associate Judge