

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27826

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
MING JUN SUN, 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 Criminal No. 05111816)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Ming Jun Sun (Sun) appeals from the Judgment filed on March 9, 2006 in the District Court of the First Circuit, Honolulu Division (district court).^{1/} On March 7, 2006, the State arraigned Sun in district court on a charge of Prostitution, in violation of Hawaii Revised Statutes (HRS) § 712-1200(1) (1993 & Supp. 2006). The State alleged that on or about March 18, 2005, Sun engaged in or agreed or offered to engage in sexual conduct with another person for a fee.

The district court found Sun guilty of the offense charged and entered its Judgment on March 9, 2006. Sun filed a Notice of Appeal on March 17, 2006. On appeal, Sun argues that the district court erred in denying her motion for judgment of acquittal because the State failed to present sufficient evidence

^{1/} The Honorable Valerie Chang presided.

to support a prima facie case for the charged offense (Prostitution). Specifically, Sun contends the State failed to prove that Sun was not a law enforcement officer or, alternatively, that Sun was not married to or living with Officer Taylor.

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 the district court did not err in denying Sun's motion for judgment of acquittal. There was substantial evidence adduced at trial to support the district court's finding that Sun agreed to engage in sexual contact with Officer Taylor for a fee of fifty dollars (\$50), was not a law enforcement officer, and was not married to or living with Officer Taylor, thereby committing the offense of Prostitution on March 18, 2005. HRS § 712-1200(1); HRS § 701-114 (1993); HRS § 702-205 (1993); State v. Davalos, 113 Hawai'i 385, 389, 153 P.3d 456, 460 (2007); 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).

Therefore,

