

NO. 27843

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
MERRIE CHRISTINE BALL, Defendant-Appellant

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

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FILED

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT,  
NORTH AND SOUTH HILO DIVISION  
(Citation No. 3DTI-06-101004)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding J., Nakamura, and Fujise, JJ.)

Defendant-Appellant Merrie Christine Ball (Ball)

appeals from the judgment in favor of Plaintiff-Appellee State of Hawaii (the State) entered on March 7, 2006 by the District Court of the Third Circuit (the district court) that determined that Ball had committed the offense of exceeding the speed limit by sixteen miles per hour.<sup>1</sup> On January 8, 2006, the State charged Ball, via issuance of a Notice of Traffic Infraction(s) complaint (the NTI), with exceeding the speed limit, in violation of Hawaii Revised Statutes (HRS) § 291C-102 (Supp. 2006). The NTI was issued on the grounds that Ball drove her vehicle "11-30 MPH Over Limit[.]"

On appeal, Ball argues that (1) there was insufficient evidence presented at trial to find Ball in violation of the speeding law, (2) the district court judge was prejudicially biased against Ball, (3) the prosecutor for the State engaged in

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<sup>1</sup>The Honorable Barbara T. Takase presided.

prosecutorial misconduct, and (4) Ball was immune from traffic laws.

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

(1) There was substantial evidence presented by the State to support the district court's determination that Ball violated HRS § 291C-102. State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996); State v. Vinuya, 96 Hawai'i 472, 481, 32 P.3d 116, 125 (App. 2001).

(2) There was no evidence that the district court judge was biased or prejudiced against Ball to warrant a new trial. Aga v. Hundahl, 78 Hawai'i 230, 242, 891 P.2d 1022, 1034 (1995).

(3) There was no evidence of prosecutorial misconduct. State v. Wakisaka, 102 Hawai'i 504, 513, 78 P.3d 317, 326 (2003).

(4) Ball failed to establish that she was immune to the enforcement of traffic laws by the State. Nishitani v. Baker, 82 Hawai'i 281, 289-90, 921 P.2d 1182, 1190-91 (App. 1996); State v. Lorenzo, 77 Hawai'i 219, 883 P.2d 641 (App. 1994).

IT IS HEREBY ORDERED that the judgment entered on March 7, 2006 by the District Court of the Third Circuit is affirmed.

DATED: Honolulu, Hawai'i, April 19, 2007.

On the briefs:

Merrie Christine Ball,  
defendant-appellant, pro se.

Tharrington T. Trusdell,  
deputy prosecuting attorney,  
County of Hawai'i,  
for plaintiff-appellee.

*Aranni KA Watareke*

*Craig W. Makamua*

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