

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27992

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
THOMAS E. KLIE, Defendant-Appellant

NORMA T. YARA
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. 06078163)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Thomas E. Klie (Klie) appeals from the Judgment filed on May 19, 2006 in the District Court of the First District, Honolulu Division (district court).^{1/}

On May 18, 2006, the State of Hawai'i (the State) orally arraigned Klie for the offense of Street Solicitation of Prostitution, in violation of Hawaii Revised Statutes (HRS) § 712-1207(1) (Supp. 2006). The State alleged that on or about February 23, 2006, while within the boundaries of Waikiki and while on public property, Klie did offer or agree to engage in sexual conduct with another person in return for a fee. Klie entered a plea of no contest. The district court accepted Klie's plea, whereupon Klie moved for a deferred acceptance of no contest (DANC) plea. The district court denied Klie's motion for a DANC plea and sentenced Klie to six months' probation and ordered him to pay various fines and fees. The district court filed its Judgment to that effect on the following day, May 19, 2006. Klie filed a Notice of Appeal on June 15, 2006.

^{1/} The Honorable Lono J. Lee presided.

On appeal, Klie argues that the district court erred in denying his motion for a DANC plea.

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 that the district court properly denied Klie's motion for a DANC plea. HRS § 712-1207(1) & (4); State v. Dannenberg, 74 Haw. 75, 837 P.2d 776 (1992); State v. Hamili, 87 Hawai'i 102, 952 P.2d 390 (1998).

Therefore,

IT IS HEREBY ORDERED that the Judgment entered on May 19, 2006 in the District Court of the First Circuit, Honolulu Division, is affirmed.

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

On the briefs:

Scot S. Brower
for Defendant-Appellant.

Daniel H. Shimizu,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.



Chief Judge



Associate Judge



Associate Judge