

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28600

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
RICHARD A. HARE, Defendant-Appellant

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

2008 APR 11 AM 7:45

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT,
WAHIAWA DIVISION
(HPD Traffic No. 1DTA-07-06164)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Richard A. Hare (Hare) appeals from the "Notice of Entry of Judgment and/or Order and Plea/Judgment" entered on June 14, 2007 in the District Court of the First Circuit, Wahiawa Division (district court).¹ The district court found Hare guilty of Excessive Speeding, in violation of HRS § 291C-105(a)(1) (Supp. 2007).

On appeal, Hare argues that the district erred in finding him guilty "based solely on the written and oral testimony given under sworn oath by the arresting Officer: Susan Klimek."

"The burden is upon appellant in an appeal to show error by reference to matters in the record, and he [or she] has the responsibility of providing an adequate transcript." Bettencourt v. Bettencourt, 80 Hawaii 225, 230, 909 P.2d 553, 558 (1995); Hawaii Rule of Appellate Procedure Rule 10.

The record on appeal before this court does not contain any testimony of Officer Klimek. Hare failed to order a copy of the transcript of the proceeding for the record on appeal. There is nothing in the record on appeal regarding the testimony of

¹ The Honorable Clarence Pacarro presided.

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Officer Klimek. Thus, Hare has failed to establish any error.
State v. Hoang, 93 Hawaii 333, 335-36, 3 P.3d 499, 501-02 (2000).

Therefore,

IT IS HEREBY ORDERED that the "Notice of Entry of Judgment and/or Order and Plea/Judgment" entered on June 14, 2007 in the District Court of the First Circuit, Wahiawa Division, is affirmed.

DATED: Honolulu, Hawai'i, April 11, 2008.

On the briefs:

Richard A. Hare,
Defendant-Appellant pro se.

Anne K. Clarkin,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.



Chief Judge



Associate Judge



Associate Judge