

NO. 28741

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
TOMMY TAYLOR, Defendant-Appellant,

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Cr. No. 06-1-2215)

EM. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2008 JUN 27 AM 7:53

FILED

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Tommy Taylor (Taylor) appeals from the August 13, 2007 judgment of conviction entered by the Circuit Court of the First Circuit (circuit court).¹ Taylor claims there was insufficient evidence to support the conviction.

Taylor was charged by way of Felony Information filed on November 2, 2006 with one count of Promoting a Dangerous Drug in the Third Degree, in violation of Hawaii Revised Statutes (HRS) § 712-1243 (Supp. 2007), and one count of Unlawful Use of Drug Paraphernalia, in violation of HRS § 329-43.5(a) (1993). A jury trial commenced on May 1, 2007. During the trial, Sergeant Lawrence Santos (Sgt. Santos) was the only witness to testify that he witnessed Taylor's possession of a pipe containing cocaine, which formed the basis for the charges against Taylor. The jury found Taylor guilty as charged. Taylor argues that the testimony of Sgt. Santos alone is insufficient to support the conviction.

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 raised by the parties, we resolve Taylor's point of error as follows:

There was substantial evidence to support the jury's verdict. "The testimony of a single witness, if found credible

¹ The judgment was signed by the Honorable Steven S. Alm.

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by the trier of fact, may constitute substantial evidence to support a conviction." State v. Montgomery, 103 Hawai'i 373, 381, 82 P.3d 818, 826 (App. 2003) (citing In re Doe, 95 Hawai'i 183, 196-97, 20 P.3d 616, 629-30 (2001)). "Matters of credibility and the weight of the evidence and the inferences to be drawn are for the fact finder." State v. Romano, 114 Hawai'i 1, 8, 155 P.3d 1102, 1109 (2007). We will not second-guess the jury's determination of credibility.

Therefore,

IT IS HEREBY ORDERED that the August 13, 2007 judgment entered by the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, June 27, 2008.

On the briefs:

Jon N. Ikenaga,
Deputy Public Defender
for Defendant-Appellant.



Chief Judge

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



Associate Judge



Associate Judge