

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28974

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
EMILIO A. GANIRON, JR., Defendant-Appellant

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

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FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CR. NO. 07-1-1280)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Emilio A. Ganiron, Jr. (Ganiron) appeals from the Judgment of Conviction and Sentence filed on January 23, 2008 in the Circuit Court of the First Circuit (circuit court).<sup>1</sup>

A jury convicted Ganiron of Promoting a Dangerous Drug in the Third Degree, in violation of Hawaii Revised Statutes (HRS) § 712-1243 (Supp. 2007), and Unlawful Use of Drug Paraphernalia, in violation of HRS § 329-43.5(a) (1993).

On appeal, Ganiron contends the circuit court erred (1) by failing to exclude evidence of methamphetamine, a plastic bag, and a straw because the State failed to establish a strict chain of custody and (2) in denying his oral motion for judgment of acquittal because the State of Hawai'i (State) failed to establish the chain of custody for the methamphetamine, a plastic bag, and a straw.

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 Ganiron's point of error as follows:

(1) The circuit court did not abuse its discretion by admitting evidence of methamphetamine, a plastic bag, and a straw

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<sup>1</sup> The Honorable Richard W. Pollack presided.

because the State established a strict chain of custody. State v. Olivera, 57 Haw. 339, 344, 555 P.2d 1199, 1202 (1976); State v. Vance, 61 Haw. 291, 303-04, 602 P.2d 933, 942 (1979).

(2) The circuit court did not err in denying Ganiron's oral motion for judgment of acquittal on the charge of Unlawful Use of Drug Paraphernalia because evidence of methamphetamine, a plastic bag, and a straw were not erroneously admitted.

Therefore,

IT IS HEREBY ORDERED that the Judgment of Conviction and Sentence filed on January 23, 2008 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, December 5, 2008.

On the briefs:

Jeffrey A. Hawk  
(Hawk Sing & Ignacio)  
for Defendant-Appellant.

Loren J. Thomas,  
Deputy Prosecuting Attorney,  
City and County of Honolulu,  
for Plaintiff-Appellee.



Chief Judge



Associate Judge



Associate Judge