

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 27850

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
MELODIE C. LINE, Defendant-Appellant

NORMA T. YARA
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STATE OF HAWAII

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FILED

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(Cr. No. 05-1-0429(3))

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding Judge, Foley and Fujise, JJ.)

Defendant-Appellant Melodie C. Line (Line) appeals from the Judgment of Conviction and Probation filed on March 3, 2006 in the Circuit Court of the Second Circuit¹ (circuit court). A jury found Line guilty of Hindering Prosecution in the First Degree, in violation of Hawaii Revised Statutes (HRS) § 710-1029(1) (Supp. 2008).

On appeal, Line contends she had the right to refuse an unlawful intrusion by police into her home because the police had no right to enter her home and arrest her son without a warrant.

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 issues raised and arguments advanced, we conclude that Line's appeal is without merit.

Assuming, arguendo, the police had no right to enter Line's home and arrest her son, the charge of Hindering Prosecution was not affected by the alleged unlawful intrusion and arrest. State v. Kachanian, 78 Hawai'i 475, 485, 896 P.2d 931, 941 (App. 1995). In Kachanian, this court held that an illegal arrest did not affect a "resisting arrest charge." Id. Similarly, the alleged unlawful intrusion and arrest in the instant case did not affect the Hindering Prosecution charge.

¹ The Honorable Joseph E. Cardoza presided.

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Therefore,

The Judgment of Conviction and Probation filed on March 3, 2006 in the Circuit Court of the Second Circuit is affirmed.

DATED: Honolulu, Hawai'i, April 7, 2009.

On the briefs:

Gerald Johnson,
for Defendant-Appellant.

Brandon L.K. Paredes,
Deputy Prosecuting Attorney,
County of Maui,
for Plaintiff-Appellee

Corvina K.A. Watanabe

Presiding Judge

Daniel R. Foley

Associate Judge

Alana D. Inoué

Associate Judge