

NO. 29119

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.  
SONIA L.K. MARTINEZ, Defendant-Appellant

FILED  
STATE OF HAWAII  
APPELLATE COURTS  
L.M. RIVARDO

2009 OCT 21 AM 7:52

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
WAHIAWA DIVISION  
(HPD TRAFFIC NO. 1DTC-07-043103)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Sonia L. K. Martinez (**Martinez**) appeals the judgment filed on March 27, 2008 in the District Court of the First Circuit, Wahiawa Division (**District Court**).<sup>1/</sup> Martinez was convicted of Excessive Speeding, in violation of HRS § 291C-105(a)(2) (Supp. 2007). On appeal, Martinez contends, *inter alia*, that the State failed to adduce the requisite foundation to establish the accuracy of the laser gun that was used.

Upon careful review, we resolve Martinez's points of error as follows:

There was insufficient evidence to convict Martinez of Excessive Speeding because the State failed to adduce evidence that the laser gun was tested according to the manufacturer recommended procedures in order to establish sufficient foundation for the laser gun reading. State v. Assaye, No.

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<sup>1/</sup> The Honorable James Dannenberg presided.

29078, 2009 WL 3112426, at \*6-11 (Haw. Sept. 30, 2009).

Accordingly, we need not address Martinez's other point of error.

IT IS HEREBY ORDERED THAT the District Court's March 27, 2008 judgment is reversed.

DATED: Honolulu, Hawai'i, October 21, 2009.

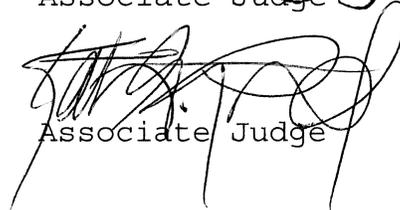
On the briefs:

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Daniel R. Foley  
Presiding Judge

  
Aunani H. Fijim  
Associate Judge

  
Associate Judge