

NO. 25914

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

JAMES LEGRO, Defendant-Appellant.

2006 AUG 25 AM 9:23
EN. FERNANDO
JENK. APPELLATE COURTS
STATE OF HAWAII

FILED

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(CASE NUMBER 5P103-166 & 257432MK)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, and Duffy, JJ.
and Acoba, J., concurring in the result only)

Defendant-Appellant, James E. Legro [hereinafter "Legro"] appeals from the district court's¹ May 16, 2003 judgment convicting him of the offenses of (1) failing to carry no-fault insurance, in violation of Hawai'i Revised Statutes [hereinafter "HRS"] § 431:10C-104 (Supp. 2001),² and (2) criminal contempt of

¹ The Honorable Joseph Kobayashi presided.

² HRS § 431:10C-104 provides as follows:

§431:10C-104 Conditions of operation and registration of motor vehicles. (a) Except as provided in section 431:10C-105, no person shall operate or use a motor vehicle upon any public street, road, or highway of this State at any time unless such motor vehicle is insured at all times under a motor vehicle insurance policy.

(b) Every owner of a motor vehicle used or operated at any time upon any public street, road, or highway of this State shall obtain a motor vehicle insurance policy upon such vehicle which provides the coverage required by this article and shall maintain the motor vehicle insurance policy at all times for the entire motor vehicle registration period.

(c) Any person who violates the provisions of this section shall be subject to the provisions of section 431:10C-117(a).

(d) The provisions of this article shall not apply to any vehicle owned by or registered in the name of any agency of the federal government, or to any antique motor vehicle as defined in section 249-1.

court, in violation of HRS § 710-1077(g) (1993).³ On appeal, Legro contends that the district court committed plain error by failing to suppress evidence that was obtained via an illegal traffic stop.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold that Legro failed to preserve his argument for appeal. Legro admits, and the record likewise indicates, that he failed to object to the admission of the evidence that he now contends were the "fruits" of an illegal search and seizure. See Querubin v. Thronas, 107 Hawai'i 48, 61 n.5, 109 P.3d 689, 702 n.5 (2005) ("[T]he rule in this jurisdiction . . . prohibits an appellant from complaining for the first time on appeal of error to which he has acquiesced or to which he failed to object.") (Citing Okuhara v. Broida, 51 Haw. 253, 255, 456 P.2d 228, 230 (1969) (citations omitted).) (Brackets in original.) (Ellipses in original.); State v. Vliet, 91 Hawai'i 288, 299, 983 P.2d 189, 200 (1999) ("A complete failure to object will waive the point."); State v. Corpuz, 3 Haw.App. 206, 211, 646 P.2d 976, 980 (1982) ("The general rule is that a reviewing court will not consider issues not raised before the trial court."). Furthermore, insofar as Legro openly admitted at trial that he was driving without no-fault insurance, we fail to perceive any prejudice to Legro's substantial rights that would justify invocation of the plain error doctrine. See State v. Staley, 91 Hawai'i 275, 282, 982 P.2d 904, 911 (1999)

³ HRS § 710-1077(1)(g) provides that "[a] person commits the offense of criminal contempt of court if . . . [t]he person knowingly disobeys or resists the process, injunction, or other mandate of a court[.]"

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("We may recognize plain error when the error committed affects substantial rights of the defendant.") (Citing State v. Cullen, 86 Hawai'i 1, 8, 946 P.2d 955, 962 (1977)).⁴

Therefore,

IT IS HEREBY ORDERED that the judgment from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, August 25, 2006.

On the briefs:

Steven R. Nichols,
deputy public defender,
for defendant-appellant
James Legro

Tracy Murakami,
deputy prosecuting attorney,
for plaintiff-appellee
State of Hawai'i



Steven R. Nichols

Tracy Murakami

Kama E. Duffy, Jr.

CONCURRENCE BY ACOBA, J.

I concur in the result only.



⁴ Legro offers no argument or rationale justifying reversal of his conviction of criminal contempt of court. He has thus waived the right to challenge that conviction. See Hawai'i Rules of Appellate Procedure Rule 28(b)(4) (2003) ("Points not presented . . . will be disregarded[.]").