

NO. 25825

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

BRUCE RIOS, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 02-1-0083)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Lim and Foley, JJ.)

Petitioner-Appellant Bruce Rios (Rios) appeals from the "Findings of Fact, Conclusions of Law, and Order Denying Petition for Post-Conviction Relief Without a Hearing" filed in the Circuit Court of the First Circuit (circuit court) on April 23, 2003.¹

On appeal, Rios contends the circuit court's denial of his petition for post-conviction relief without a hearing violated his due process rights.

Upon careful review of the record and the briefs submitted by the parties, we hold that the issues raised by Rios (1) were previously ruled upon or waived, or (2) were patently frivolous and without a trace of support from the record or from evidence submitted by Rios. Hawai'i Rules of Penal Procedure (HRPP) Rule 40(a)(3) and (f).

¹The Honorable Dan T. Kochi presided.

Therefore,

IT IS HEREBY ORDERED that the "Findings of Fact, Conclusions of Law, and Order Denying Petition for Post-Conviction Relief Without a Hearing" filed on April 23, 2003 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, February 4, 2005.

On the briefs:

Bruce Rios,
petitioner-appellant pro se.

Alexa D.M. Fujise,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for respondent-appellee.

Chief Judge

Associate Judge

Associate Judge