

NOT FOR PUBLICATION

NO. 26628

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

STATE OF HAWAI'I, Plaintiff-Appellee, v
PIERRE APISALOMA, Defendant-Appellant

KHAMAKAO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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FILED

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CR. NO. 02-1-0216)

SUMMARY DISPOSITION ORDER

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

Pierre Malosi Apisaloma (Defendant) appeals the May 19, 2004 judgment of the Circuit Court of the Third Circuit (circuit court), the Honorable Terence T. Yoshioka, judge presiding.

After a meticulous review of the record and the briefs submitted by the parties, and giving careful consideration to the arguments advanced and the issues raised by the parties, we hold that (1) Defendant waived his contention that the circuit court erred in denying the oral motion for judgment of acquittal he made at the close of the State's case, by thereafter introducing evidence, State v. Pudiquet, 82 Hawai'i 419, 423, 922 P.2d 1032, 1036 (App. 1996); and (2) there was substantial evidence to support the conclusion of the trier of fact. State v. Richie, 88 Hawai'i 19, 33, 960 P.2d 1227, 1241 (1998).

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Therefore,


IT IS HEREBY ORDERED that the May 19, 2004 judgment of the circuit court is affirmed.

DATED: Honolulu, Hawai'i, June 6, 2005.

On the briefs:


Harry Eliason,
for defendant-appellant.

Michael S. Kagami,
Deputy Prosecuting Attorney,
County of Hawai'i,
for plaintiff-appellee.



Acting Chief Judge

Associate Judge



Associate Judge