

NOT FOR PUBLICATION

NO. 25802

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

STATE OF HAWAI'I, Plaintiff-Appellee, v. CHARLES WIGHT SUMNER,
Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT;
SOUTH HILO DIVISION
(Citation Nos. 1730858MH; 1730859MH)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Charles Wight Sumner (Sumner) appeals from the Judgment entered on October 3, 2003, convicting him of False Reporting and Driving Without a License, violations of Hawaii Revised Statutes (HRS) §§ 291C-18 and 286-102 respectively.

In accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties, we resolve those issues as follows:

First, the district court^{1/} did not err in denying Sumner's motion to suppress his statement to the police that he was driving the vehicle at the time of the accident as a violation of Miranda v. Arizona, 384 U.S. 436 (1966), State v.

^{1/} The Honorable Jeffrey Choi presided.

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

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Ketchum, 97 Hawai'i 107, 34 P.3d 1006 (2001), and State v. Ah Loo, 94 Hawai'i 207, 10 P.3d 728 (2000). Sumner's argument fails as when he gave his statement to police, he was not in custody.

Second, the trial court^{2/} did not err in convicting Sumner of False Reporting as there was substantial evidence to support its finding that Sumner was required to give information in a written or oral report. Contrary to Sumner's argument, HRS § 291C-14 required Sumner to provide to the police the name of the driver involved in an automobile accident resulting in damage to any vehicle.

IT IS HEREBY ORDERED that the judgment from which the appeal is taken, filed on October 3, 2003, is affirmed.

DATED: Honolulu, Hawai'i, June 20, 2005.

On the briefs:

James S. Tabe,
Deputy Public Defender,
for Defendant-Appellant.


Acting Chief Judge

Jason M. Skier,
Deputy Prosecuting Attorney,
County of Hawai'i,
for Plaintiff-Appellee.


Associate Judge


Associate Judge

^{2/} The Honorable Barbara Takase presided.