

NO. 25792

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
TANIA KAHALA, aka TANIA KAHALE-TAYLOR,
Defendant-Appellant

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

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FILED

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT,
HONOLULU DIVISION
(HPD TRAFFIC NOS. 5316567MO & 5378118MO)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Tania Kahale, aka Tania Kahale-Taylor, (Kahale) appeals from the Judgment entered on October 9, 2003 in the District Court of the First Circuit, Honolulu Division (district court).^{1/} After a bench trial, Kahale was found guilty of:

Operating a motor vehicle without valid no-fault insurance, in violation of Hawaii Revised Statutes (HRS) § 431:10C-104 (Supp. 2004);

Operating a Vehicle After License and Privilege Have Been Suspended or Revoked for Operating a Vehicle Under the Influence of an Intoxicant, in violation of HRS § 291E-62(a)(1) and (2) (Supp. 2002);

Operating a vehicle with expired tax registration, in violation of HRS § 249-2 (2001 Repl.); and

^{1/} The Honorable Fa'auuga To'oto'o presided.

Operating a vehicle without a valid safety inspection certificate, in violation of HRS § 286-25 (1993).

The district court sentenced Kahale to seven days of imprisonment for driving while her license was expired, suspended her driver's license for one year, and ordered her to pay fines.

On appeal,^{2/} Kahale contends the district court erred by (1) failing to suspend the proceedings to examine if Kahale was fit to proceed pursuant to HRS § 704-404 (1993 & Supp. 2004) and (2) determining Kahale waived her right to an attorney.

Upon careful review of the record and the briefs submitted by the parties, we hold:

(1) The district court did not abuse its discretion in proceeding to trial. State v. Castro, 93 Hawai'i 424, 425, 5 P.3d 414, 415 (2000). Nothing in the record indicates Kahale was unfit to proceed. Kahale did not raise a mental health defense or ask for an evaluation, and there was no reason to believe that a physical or mental disease, disorder, or defect of Kahale would or had become an issue in the case. HRS § 704-404(1).

(2) Kahale waived her right to an attorney. Kahale fails to meet her burden of demonstrating that her waiver was involuntary. State v. Friedman, 93 Hawai'i 63, 68-69, 996 P.2d

^{2/} From the record on appeal, it appears that Defendant-Appellant Tania Kahale (Kahale) appealed only the HRS §§ 431:10C-104 and 291E-62(a)(1) and (2) charges.

268, 273-74 (2000). Following her initial appearance, Kahale made seven appearances without counsel in district court, and nothing in the record before this court indicates that Kahale ever requested an attorney. The district court urged Kahale to get a public defender or court-appointed counsel. Kahale refused to cooperate with the district court, refused to be represented by the Public Defender's Office, and ignored the district court's warnings about proceeding pro se. The district court did not abuse its discretion by proceeding to trial with Kahale representing herself pro se. State v. Char, 80 Hawai'i 262, 267, 909 P.2d 590, 595 (App. 1995).

Therefore,

IT IS HEREBY ORDERED that the Judgment entered on October 9, 2003 in the District Court of the First Circuit, Honolulu Division, is affirmed.

DATED: Honolulu, Hawai'i, September 28, 2005.

On the briefs:

Stephen M. Shaw
for Defendant-Appellant.


Chief Judge

Anne K. Clarkin,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.


Associate Judge


Associate Judge