

NOT FOR PUBLICATION

NO. 26548

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
BRANDY VON HAMM, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-CR. No. 03-1-2251)

KHAMAKAHO
GENERAL APPELLATE COURTS
STATE OF HAWAII

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FILED

SUMMARY DISPOSITION ORDER

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

Brandy Von Hamm (Defendant) appeals the March 30, 2004 judgment of the Family Court of the First Circuit (family court)¹ that convicted her of harassment.

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 resolve Defendant's points of error on appeal as follows:

1. Assuming, *arguendo*, that the family court erred in refusing Defendant's proffer of photo Exhibits B and C, the error was harmless beyond a reasonable doubt. See State v. Holbron, 80 Hawai'i 27, 32, 904 P.2d 912, 917 (1995).

2. There was substantial evidence to support the findings and conclusions of the family court. State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996). "The appellate court will neither reconcile conflicting evidence nor interfere with the decision of the trier of fact based on the witnesses'

¹

The Honorable Russel S. Nagata presided.

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credibility or the weight of the evidence." State v. Mitchell, 94 Hawai'i 388, 393, 15 P.3d 314, 319 (App. 2000) (citations and block quote format omitted).

3. The family court did not abuse its discretion in denying Defendant's motion for new trial. State v. McNulty, 60 Haw. 259, 267-68, 588 P.2d 438, 445 (1978), overruled on other grounds, State v. Eberly, 107 Hawai'i 239, 112 P.3d 725 (2005).

Therefore,

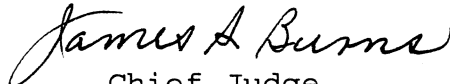
IT IS HEREBY ORDERED that the family court's March 30, 2004 judgment is affirmed.


DATED: Honolulu, Hawaii, November 25, 2005.

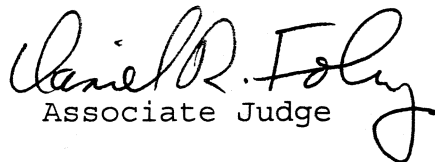
On the briefs:

Dwight C.H. Lum
for Defendant-Appellant.

Ryan Yeh,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.


Chief Judge


Associate Judge


Associate Judge