

NOT FOR PUBLICATION

NO. 26072

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
SOLOMON DAVID DENNIS, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT

(HPD Traffic No. 5462746MO)

SUMMARY DISPOSITION ORDER

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

In this traffic infraction case, Solomon David Dennis (Defendant) appeals, *pro se*, the November 3, 2003 judgment of the District Court of the First Circuit (district court)¹ that found him liable for exceeding a posted speed limit, in violation of Hawaii Revised Statutes (HRS) § 291C-102(b) (1993 & Supp. 2004).

At trial, Defendant *pro se* testified to his position on the charged infraction:

A Well, the signing and striping of the actual engineer for the State has stated that it's a speed limit of 25 (twenty five) right there. What they've done is they removed the 25 (twenty five) and put a 15 (fifteen) in there. But, they did not indicate to the driver to reduce his speed in a 40 (forty) degree turn. Coming out of a 40 degree turn.

THE COURT: Okay. Well, let's just get it clear.

A Yeah.

THE COURT: You're not disputing that the sign that you passed said 15 (fifteen) miles an hour?

A That's correct.

THE COURT: What you're saying is that you didn't have enough time to slow down to 15 (fifteen) miles an hour? Is that what you're saying?

¹

The Honorable Hilary Benson Gagnés presided.

CLERK OF THE COURT
STATE OF HAWAII

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A That's right.

THE COURT: Okay.

Given that and the other evidence adduced at trial, Defendant's animadversions on appeal regarding the evidence of the posted speed limit -- and the evidence that he was subject to and exceeded it -- are without merit. Cf. Roxas v. Marcos, 89 Hawai'i 91, 124, 969 P.2d 1209, 1242 (1998) (the doctrine of judicial estoppel "prevents parties from playing 'fast and loose' with the court or blowing 'hot and cold' during the course of litigation" (citations and some internal quotation marks omitted)). By the same token and in any event, there was substantial evidence to support the adjudication of the district court. HRS § 291C-31 (1993); State v. Ildefonso, 72 Haw. 573, 583-84, 827 P.2d 648, 654-55 (1992); State v. Vallejo, 9 Haw. App. 73, 83, 823 P.2d 154, 160 (1992); State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996); State v. Taliferro, 77 Hawai'i 196, 201, 881 P.2d 1264, 1269 (App. 1994). And by the same token again, if, *arguendo*, the district court erred when it purportedly rejected or admitted certain evidence or refused judicial notice, any error was harmless beyond a reasonable doubt. See State v. Holbron, 80 Hawai'i 27, 32, 904 P.2d 912, 917 (1995).

Accordingly, after a painstaking review of the record and the briefs submitted by the parties, and giving careful

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consideration to the arguments advanced and the issues raised by the parties,

IT IS HEREBY ORDERED that the November 3, 2003 judgment of the district court is affirmed.

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

On the briefs:

Solomon David Dennis,
Defendant-Appellant,
pro se.

Don Fudo,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.


Acting Chief Judge


Associate Judge


Associate Judge