

NO. 26455

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
KAFOA LATU, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-CR. NO. 03-1-242K)

FILED
2006 SEP 11 AM 11:00
ETI HIRIYANO
CLERK, INTERMEDIATE COURTS
STATE OF HAWAI'I

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding Judge, Lim and Fujise, JJ.)

Defendant-Appellant Kafoa Latu (Latu) appeals from the final judgment entered on March 16, 2004 in the Family Court of the Third Circuit (family court).¹ After diligently reviewing the record and the briefs submitted and carefully considering the issues raised, arguments advanced, and the applicable law, we resolve Latu's point of error² as follows:

The family court properly found Latu guilty of the charge of Abuse of Household Member under Hawaii Revised Statutes (HRS) § 709-906(1) (Supp. 2001). The family court made an explicit finding that the State had proven Latu's guilt beyond a reasonable doubt and the colloquy between the family court and Latu's counsel during trial does not contradict that finding.

¹ The Honorable Joseph P. Florendo, Jr., presided.

² This point on appeal is in violation of Hawai'i Rules of Appellate Procedure (HRAP), Rule 28(b)(4) (2000) because Latu failed to specify "where in the record the alleged error occurred," and "where in the record the alleged error was objected to or the manner in which the alleged error was brought to the attention of the court or agency." Moreover, Latu's statement of the case lacks a statement of the facts material to this point. HRAP Rule 28(b)(3). Finally, although not a violation of the rules, a "Questions Presented" section has not been required since HRAP Rule 28 was amended, effective 2000. Counsel is warned that sanctions will be imposed for future violation of court rules. HRAP Rule 51 (2000).

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State v. Norton, 72 Haw. 296, 815 P.2d 1025 (1991), relied upon by Latu, has been overruled, State v. Aplaca, 74 Haw. 54, 837 P.2d 1298 (1992), and in any event, does not support his contention.

Therefore,

IT IS HEREBY ORDERED that the March 16, 2004 Judgment of Family Court of the Third Circuit is affirmed.

DATED: Honolulu, Hawai'i, September 11, 2006.

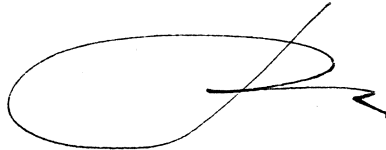
On the briefs:

Harry Eliason
for Defendant-Appellant.



Presiding Judge

Frederick D. Giannini,
Deputy Prosecuting Attorney,
County of Hawai'i,
for Plaintiff-Appellee.



Associate Judge



Associate Judge