

NO. 27422

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
DANIEL LLOYD CRAWFORD, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 04-1-2555)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding Judge, Foley and Nakamura, JJ.)

Defendant-Appellant Daniel Lloyd Crawford (Crawford)

appeals from the Judgment entered on June 27, 2005 in the Circuit Court of the First Circuit (circuit court).^{1/}

On appeal, Crawford argues that (1) the circuit court erred in failing to declare a mistrial, and (2) the Deputy Prosecuting Attorney's improper comments during closing and rebuttal arguments violated Crawford's rights to due process and a fair trial.

On December 27, 2004 the State charged Crawford via Complaint with one count of Terroristic Threatening in the First Degree, in violation of Hawaii Revised Statutes (HRS) § 707-716(1)(d) (1993). The Complaint alleged that on or about December 17, 2004 Crawford threatened, by word or conduct to cause bodily injury to his brother, Granville Eugene Crawford III (Granville). Crawford filed a Motion in Limine on March 8, 2005.

^{1/} The Honorable Richard W. Pollack presided.

L.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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Jury trial commenced on March 18, 2005. Prior to the start of trial, the circuit court granted Crawford's Motion in Limine, ruling, inter alia, that the State was precluded from eliciting evidence as to (1) Crawford's prior criminal record, (2) Crawford's prior bad acts, specifically any evidence relating to Crawford's use of illegal drugs or undergoing drug rehabilitation, (3) a statement by Granville that "enough is enough" or anything else that would infer or refer to prior threats, and (4) the hostage situation.

The jury returned a guilty verdict on March 22, 2005. On June 27, 2005, the circuit court sentenced Crawford to five years of imprisonment and entered the Judgment. Crawford timely appealed.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we resolve Crawford's points of error as follows:

(1) The circuit court did not abuse its discretion in denying Crawford's three separate oral motions for a mistrial. The three instances of "misconduct" asserted by Crawford constituted harmless error. State v. Lagat, 97 Hawai'i 492, 495, 40 P.3d 894, 897 (2002); State v. Kahinu, 53 Haw. 536, 549, 498 P.2d 635, 644 (1972); Chapman v. California, 386 U.S. 18, 24, 87 S. Ct. 824, 828 (1967); State v. Samuel, 74 Haw. 141, 147-48, 838

P.2d 1374, 1378 (1992); Hawai'i Rules of Penal Procedure (HRPP) Rule 52(a); State v. Sprattling, 99 Hawai'i 312, 320, 55 P.3d 276, 284 (2002); State v. Pauline, 100 Hawai'i 356, 378, 60 P.3d 306, 328 (2002); State v. Gano, 92 Hawai'i 161, 176, 988 P.2d 1153, 1168 (1999).

(2) The two statements made by the Deputy Prosecuting Attorney during summation did not amount to misconduct. The nature of the two statements did not have a fundamental bearing on the central issue in the case: whether Crawford threatened "by word or conduct to cause bodily injury" to Granville "[w]ith the use of a dangerous instrument." HRS §§ 707-715 (1993) & 707-716(1)(d). State v. Kiakona, 110 Hawai'i 450, 458, 134 P.3d 616, 624 (App. 2006).

Therefore,

The Judgment filed on June 27, 2005 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, September 14, 2006.

On the briefs:

Taryn R. Tomasa,
Deputy Public Defender,
for Defendant-Appellant.

Loren J. Thomas,
Deputy Prosecuting Attorney,
for Plaintiff-Appellee.


Presiding Judge


Associate Judge


Associate Judge