

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27533

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
DENISE M. RIVERS, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-CR. NO. 05-1-1086)

K. HAMAKAO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2006 DEC 29 AM 10:28

FILED

SUMMARY DISPOSITION ORDER

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

Denise M. Rivers (Defendant) appeals the September 2, 2005 judgment of the family court of the first circuit (family court)¹ that convicted her of harassment after a jury-waived trial.

Given the prerogative of the finder of fact to determine the credibility of the witnesses and the weight of the evidence, State v. Taliferro, 77 Hawai'i 196, 201, 881 P.2d 1264, 1269 (App. 1994), and to make all reasonable and rational inferences under the facts in evidence, including circumstantial evidence, State v. Eastman, 81 Hawai'i 131, 135, 913 P.2d 57, 61 (1996), we conclude the family court did not clearly err in rejecting Defendant's parental discipline defense. State v. Crouser, 81 Hawai'i 5, 10, 911 P.2d 725, 730 (1996).

After a meticulous review of the record and the briefs submitted by the parties, and giving careful consideration to the

¹ The Honorable Gregg H. Young presided.

arguments advanced and the issues raised by the parties, we affirm the September 2, 2005 judgment of the family court.

DATED: Honolulu, Hawai'i, December 29, 2006.

On the briefs:

Leland B.T. Look,
for Defendant-Appellant.

Brian R. Vincent,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.

Berrie K. A. Watanabe

Presiding Judge



Associate Judge

Craig W. Nakamura

Associate Judge