

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 27896

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
CLYDE ROBINSON, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(HPD TRAFFIC NO. 1DTA-06-02363)

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

2007 MAR 28 AM 7:46

FILED

SUMMARY DISPOSITION ORDER

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

Clyde Robinson (Defendant) appeals the March 23, 2006 judgment of the District Court of the First Circuit (district court)¹ that convicted him of driving under the influence of an intoxicant.

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 conclude there was not substantial evidence, State v. Medeiros, 80 Hawai'i 251, 261-62, 909 P.2d 579, 589-90 (App. 1995), that Defendant operated a vehicle under the influence of an intoxicant. Hawaii Revised Statutes (HRS) § 291E-61(a) (Supp. 2006); HRS § 291E-1 (Supp. 2006) (definitions of "operate" and "public way, street, road, or highway").

Therefore,

¹ The Honorable Paula Devens presided.

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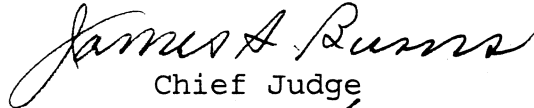
IT IS HEREBY ORDERED that the March 23, 2006 judgment of the district court is reversed.

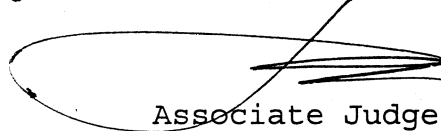
DATED: Honolulu, Hawai'i, March 28, 2007.

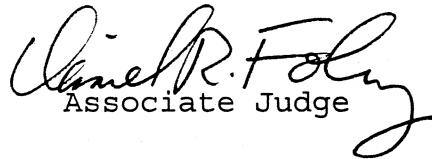
On the briefs:

Timothy I. MacMaster,
for Defendant-Appellant.

Daniel H. Shimizu,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for Plaintiff-Appellee.


Chief Judge


Associate Judge


Associate Judge