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Intermediate Court of Appeals  
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NO. CAAP-15-0000880

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellant, v.  
BRANDON K. CHANG, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CR. NO. 15-1-0598)

SUMMARY DISPOSITION ORDER

(By: Nakamura, Chief Judge, Leonard and Reifurth, JJ.)

Plaintiff-Appellant the State of Hawaii (the State) appeals from the Findings of Fact, Conclusions of Law, and Order Granting Motion to Dismiss Felony Information as a Matter of Law, entered on October 15, 2015 (the Dismissal Order), by the Circuit Court of the First Circuit (Circuit Court).<sup>1</sup>

The State raises a single point of error on appeal, contending that the Circuit Court abused its discretion in entering the Dismissal Order. The issue raised herein by the State - when a person violates a trespass warning previously issued pursuant to Hawaii Revised Statutes (HRS) § 708-814(1)(b) (2014), may that violation be used as an underlying basis for a

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<sup>1</sup> The Honorable Dexter D. Del Rosario presided.

charge of Burglary in the Second Degree - was recently answered in the negative by the Hawai'i Supreme Court. See State v. King, SCWC-15-0000342, 2016 WL 7217261 (Haw. Dec. 13, 2016).


Accordingly, the Circuit Court's October 15, 2015 Dismissal Order is affirmed.

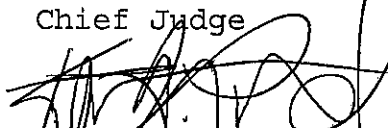
DATED: Honolulu, Hawai'i, December 29, 2016.

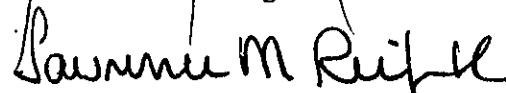
On the briefs:

Stephen K. Tsushima,  
Deputy Prosecuting Attorney,  
City and County of Honolulu,  
for Plaintiff-Appellant.

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

  
Chief Judge

  
Associate Judge

  
Associate Judge