

NO. 22376

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

RODRICK A. HUBERT, Defendant-Appellee

THE OFFICE OF THE PUBLIC DEFENDER,
Real Party in Interest-Appellant

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(CASE NO. TR23: 2/10/99)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

The Office of the Public Defender (OPD) appeals the February 11, 1999 Order for Sanction imposed by the District Court of the Second Circuit, Wailuku Division, the Honorable Douglas H. Ige presiding. The district court imposed a fine of \$50.00 on the OPD "for failing to file a timely Motion to Dismiss." On appeal, the OPD contends that the district court "erred in imposing the Order for Sanction," and that "[d]ue process requires prior notice and hearing so that the Office of the Public Defender . . . may prepare and have an opportunity to be heard on the charge."

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold that the OPD failed to provide viable arguments so as to enable this court to grant it relief from the Order for Sanction. Under the district court's inherent powers pursuant to HRS § 604-7(e), the district court had the authority to sanction the OPD. See Kukui Nuts of Hawaii, Inc. v. R. Baird & Co., Inc., 6 Haw. App. 431, 438, 726 P.2d 268, 272 (1986) (holding that HRS § 604-7(e) is "a legislative restatement of the inherent powers doctrine[.]"); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (stating that "inherent powers" include "the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.") (footnote omitted)).

The district court satisfied due process requirements by providing adequate prior notice and a reasonable opportunity to be heard. See Wong v. Frank, 9 Haw. App. 249, 253, 833 P.2d 85, 88 (1992). The OPD was afforded its due process on the day it was sanctioned, and was additionally afforded an opportunity to be heard through the filing of, and hearing on, a Motion to Reconsider Sanction. See Fujimoto v. Au, 95 Hawai'i 116, 165, 19 P.3d 699, 748 (2001) (holding that the initial and subsequent

hearings each afforded the sanctioned attorney an opportunity to be heard). Therefore,

IT IS HEREBY ORDERED that the district court's February 11, 1999 Order for Sanction is affirmed.

DATED: Honolulu, Hawai'i, February 22, 2002.

On the briefs:

Theodore Y.H. Chinn,
Deputy Public Defender,
for The Office of the
Public Defender, Real
Party In Interest-
Appellant