

NO. 24017¹

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

ANTHONY LEONILO UNCIANO and EDNA UNCIANO,
Defendants-Appellants.

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CR. NOS. 1P300-01280 & 1P300-01281)

SUMMARY DISPOSITION ORDER

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

The defendants-appellants Anthony Unciano and Edna Unciano [hereinafter, the "Uncianos"] appeal from the judgment of the district court of the first circuit, the Honorable Barbara P. Richardson presiding, convicting them of and sentencing them for the offense of simple trespass, in violation of Hawai'i Revised Statutes (HRS) § 708-815(1) (1993). The Uncianos' sole point of error on appeal is that there was insufficient evidence to support their convictions of the offense of simple trespass, because they lacked the requisite knowledge that "[their] presence on the premises [was] not licensed, invited or privileged."

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 by the parties, we

¹ On June 2, 2001, the prosecution filed a motion to consolidate the Uncianos' appeals. This court consolidated State v. Edna Unciano (No. 24018) with State v. Anthony L. Unciano (No. 24017) under Supreme Court case number 24017.

affirm the judgments of the district court. Viewing the evidence in the light most favorable to the prosecution, see State v. Batson, 73 Haw. 236, 248-49, 831 P.2d 924, 931 (1992), reconsideration denied, 73 Haw. 625, 834 P.2d 1315 (1992), there was substantial evidence that the Uncianos "knowingly . . . remain[ed] unlawfully" on the premises located at 91-1104 Hanakahi Street, in violation of HRS § 708-815(1). Therefore,

IT IS HEREBY ORDERED that the judgment from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, April 18, 2002.

On the briefs:

James C. Beaman, for the
defendants-appellants,
Anthony L. Unciano
and Edna Unciano

Daniel H. Shimizu (Deputy
Prosecuting Attorney), for
the plaintiff-appellee,
State of Hawai'i