

NO. 24087

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

PENIAMINA MALUFAU, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 00-1-0147)

SUMMARY DISPOSITION ORDER

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

On August 28, 1999, Defendant-Appellant Peniamina Malufau (Defendant) was apparently arrested and subsequently charged on January 25, 2000 with the crimes of habitual Driving Under the Influence (DUI), Hawai'i Revised Statutes (HRS) § 291-4.4(a)(1) (Supp. 1999), and driving while license was suspended for DUI, HRS § 291-4.5 (1993 & Supp. 1999). On May 18, 2000, the district court entered an order apparently related to the aforesaid DUI arrest, reversing the administrative revocation of Defendant's driver's license on the ground that he was not properly informed of sanctions under the Administrative Driver's License Revocation Law, HRS § 286-255 (Supp. 1999). On April 25, 2000, Defendant pleaded guilty before the first circuit court¹ (the court) to the aforesaid criminal charges pursuant to a plea

¹ The Honorable Sandra A. Simms presided over this matter.

bargain. On July 11, 2000, Defendant was sentenced accordingly, including suspension of his driver's license for five years.

On January 3, 2001, Defendant moved to have the license suspension lifted based on the May 18, 2000 district court order.

On February 1, 2001, the court entered an order denying Defendant's motion, from which he appeals. On appeal, Defendant argues that the court erred in denying Defendant's motion.

In accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, duly considering and analyzing the law relevant to the arguments and issues raised by the parties, and having heard oral argument, we hold that: (1) the court did not abuse its discretion because Defendant voluntarily entered his plea pursuant to a plea bargain with full knowledge of the maximum possible sentence and the imposed sentence did not exceed the statutory limits, see State v. Putnam, 93 Hawai'i 362, 372, 3 P.3d 1239, 1249 (2000); and (2) by pleading guilty, Defendant specifically waived his right to a trial, see Hawai'i Rules of Penal Procedure Rule 11(c)(4) (2001), and waived all nonjurisdictional bases to challenge the validity of his plea, see State v. Domingo, 82 Hawai'i 265, 267, 921 P.2d 1166, 1168 (1996). Therefore,

IT IS HEREBY ORDERED that the court's February 1, 2001 order denying Defendant's motion to obtain driver's license is affirmed.

DATED: Honolulu, Hawai'i, November 14, 2002.

Frank M. Fernandez for
defendant-appellant.

Alexa D.M. Fujise, Deputy
Prosecuting Attorney,
City and County of Honolulu,
for plaintiff-appellee.