

**NOT FOR PUBLICATION**

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NO. 25500

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
GEORGE K. NUEKU, JR., Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT  
(CR. NO. 02-1-0816)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant George K. Nueku, Jr. (Nueku) appeals the Judgment filed on October 29, 2002 in the Circuit Court of the First Circuit.<sup>1</sup>

On appeal, Nueku contends there was insufficient evidence to convict him of Robbery in the First Degree, a violation of Hawaii Revised Statutes § 708-840(1)(b)(ii) (1993 & Supp. 2003).<sup>2</sup>

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<sup>1/</sup> The Honorable Marie N. Milks presided.

<sup>2/</sup> Hawaii Revised Statutes § 708-840 (1993 & Supp. 2003) provides in relevant part:

**§708-840 Robbery in the first degree.** (1) A person commits the offense of robbery in the first degree if, in the course of committing theft:

- • • •
- (b) The person is armed with a dangerous instrument and:
  - • • •
  - (ii) The person threatens the imminent use of force against the person of anyone who is present with intent to compel acquiescence to the taking of or escaping with the property.

(2) As used in this section, "dangerous instrument" means any firearm, whether loaded or not, and whether operable or not,

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Upon careful review of 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 conclude there was substantial evidence to support the jury's finding that Nueku was guilty of Robbery in the First Degree. State v. Richie, 88 Hawai'i 19, 33, 960 P.2d 1227, 1241 (1998).

Therefore,

IT IS HEREBY ORDERED that the Judgment filed on October 29, 2002 in the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, March 25, 2004.

On the briefs:

Harrison L. Kiehm  
for defendant-appellant.

Acting Chief Judge

Loren J. Thomas,  
Deputy Prosecuting Attorney,  
City and County of Honolulu,  
for plaintiff-appellee.

Associate Judge

Associate Judge

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<sup>2</sup>(...continued)

or other weapon, device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or threatened to be used is capable of producing death or serious bodily injury.

(3) Robbery in the first degree is a class A felony.