

NOT FOR PUBLICATION

NO. 25355

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
GERALD DAVIS, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-Cr. No. 02-1-0585(3))

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Gerald Davis (Davis) appeals from the September 9, 2002 judgment entered by the Family Court of the Second Circuit,¹ convicting and sentencing him for Abuse of Family or Household Member, in violation of Hawaii Revised Statutes § 709-906 (Supp. 2002). Davis's appeal, filed on September 25, 2002, was assigned to this court by order of the Hawai'i Supreme Court on August 6, 2003.

The sole issue raised by Davis on appeal is that there was insufficient evidence to support his conviction. Specifically, Davis contends that Plaintiff-Appellee State of Hawai'i failed to prove beyond a reasonable doubt that he had physically abused his wife.

After a careful review of the record and the briefs submitted by the parties, and having duly considered the case law

¹ Judge Barclay E. MacDonald presided over the proceedings below.

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and statutes relevant to the arguments advanced by the parties,
we disagree with Davis's assertion.

Accordingly, we affirm the September 9, 2002 judgment.

DATED: Honolulu, Hawai'i, August 5, 2004.

On the briefs:

Lee S. Hayakawa for
defendant-appellant.

Arleen Y. Watanabe, deputy
prosecuting attorney,
County of Maui, for
plaintiff-appellee.