

NO. 23101

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee

vs.

DORIAN GUERPO, Defendant-Appellant

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APPEALS FROM THE FIRST CIRCUIT COURT  
(NO. 23101/CR. NO. 97-0357, NO. 23102/CR. NO. 99-0862,  
NO. 23103/CR. NO. 97-3146 and NO. 23104/CR. NO. 97-0143)

SUMMARY DISPOSITION ORDER

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

Defendant-appellant Dorian Guerpo appeals from the judgment of conviction and sentence for one count of robbery in the first degree, in violation of Hawai'i Revised Statutes § 708-840 (1993 & Supp. 1999).<sup>1</sup>

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments made and the issues raised by the parties, we resolve defendant-appellant's arguments as follows: 1) the trial court did not abuse its discretion in admitting State's exhibit 3, a photograph of the complainant's injured arm; 2) the trial court did not abuse its discretion in refusing to excuse potential juror number 8 for cause; and 3) Guerpo waived his right to appeal the denial of his motion for a judgment of acquittal, which he made at the close of the prosecution's case, because he failed to renew his motion at the close of all evidence; State v. Mitsuda, 86 Hawai'i 37, 48, 947 P.2d 349, 360 n.3 (1997). Therefore, we treat his third point of error as an

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<sup>1</sup> The robbery conviction is the subject of case number 23102. Case numbers 23101, 23102, 23103, and 23104 were consolidated for appeal under number 23101. However, the points of error raised in Guerpo's opening brief address only the robbery conviction.

insufficient evidence claim and hold that there was sufficient evidence to support his conviction.

THEREFORE, IT IS HEREBY ORDERED that the circuit court's judgment of conviction is affirmed.

DATED: Honolulu, Hawai'i, November 2, 2000.

On the briefs:

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Ostendorp for defendant-  
appellant

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Prosecuting Attorney, for  
plaintiff-appellee