

NO. 23470

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

DANIEL ARTHUR HILL, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(TRAFFIC NOS. 99-194961, 99-194962 & 99-194963)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Daniel Arthur Hill appeals from the April 17, 2000 judgment of the district court of the first circuit, the Honorable Colette Y. Garibaldi presiding, convicting Hill of and sentencing him for the offenses of: (1) Driving Under the Influence of Drugs (DUI DRUG), in violation of Hawai'i Revised Statutes (HRS) § 291-7;¹ (2) Failure to Stop at a Stop Sign, in violation of HRS § 291C-63(b);² and (3) Driving Without

¹ HRS § 291-7 (1993) states in relevant part:

Driving under the influence of drugs.

(b) A person committing the offense of driving under the influence of drugs shall be sentenced as follows without the possibility of probation or suspension of sentence: (1) For a first offense, or any offense not preceeded within a five-year period by a conviction under this section, by: (C) . . . Any one or more of the following: (i) Seventy-two hours of community service work; (ii) Not less than forty-eight hours of imprisonment; or (iii) A fine of not less than \$150 but not more than \$1,000.

² HRS § 291C-63(b) (1993) states:

Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right of way to any vehicle which has entered the intersection from another

(continued...)

No-Fault Insurance, in violation of HRS § 431: 10C-104.³

On appeal, Hill argues that the district court erred by refusing his request for a jury trial.

Upon carefully reviewing the record and briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold that the district court did not err by refusing Hill's request for a jury trial because, pursuant to our decision in State v. Sullivan, 97 Hawai'i 259, 36 P.3d 803 (2001), a first-time DUI DRUG offense is a petty offense to which the right to a jury trial does not attach.

IT IS HEREBY ORDERED that the first circuit court's April 17, 2000 judgment of conviction and sentence is affirmed.

DATED: Honolulu, Hawai'i, August 27, 2002.

On the briefs:

Joyce K. Matsumori-Hoshijo,
Deputy Public Defender,
for defendant-appellant

Mangmang Qiu Brown, Deputy
Prosecuting Attorney,
for plaintiff-appellee

² (...continued)

highway or which is approaching so closely on the other highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

³ HRS § 431: 10C-104 states in relevant part:

Conditions of operation and registration of motor vehicles.

(a) Except as provided in section 431: 10C-105 [self insurance], no person shall operate or use a motor vehicle upon any public street, road or highway of this State at any time unless such motor vehicle is insured at all times under a no-fault policy.