

NO. 23824

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellant,

vs.

STEPHEN BOWMAN, Defendant-Appellee.

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NOS. 96-2203 & 96-2240)

SUMMARY DISPOSITION ORDER

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

Plaintiff-appellant State of Hawai'i appeals from the first circuit court's October 5, 2000 findings of fact, conclusions of law, and order granting defendant-appellee Stephen Bowman's motion for correction of sentence.¹

Upon carefully reviewing the record and the briefs submitted by the parties, and having given due consideration to the arguments advocated and the issues raised, we hold that the circuit court did not abuse its discretion in revoking Bowman's probation and bail nunc pro tunc to the time of Bowman's arrest on April 30, 1997. The circuit court's revocation of Bowman's probation and bail nunc pro tunc meant that Bowman was incarcerated on all charges -- those underlying Cr. Nos. 94-0913, 94-2052, 96-2203, 96-2240, and 97-1066 -- effective April 30, 1997. Consequently, Bowman was incarcerated on all charges from

¹ The Honorable Wilfred K. Watanabe presided over this matter.

April 30, 1997 until he was sentenced (for all these charges) on June 16, 1999. Thus, the circuit court was required to give Bowman credit for the time served from April 30, 1997 to June 16, 1999 pursuant to HRS § 706-671(1) (1993). Therefore,

IT IS HEREBY ORDERED that the circuit court's October 5, 2000 findings of fact, conclusions of law, and order granting defendant-appellee Stephen Bowman's motion for correction of sentence is affirmed.

DATED: Honolulu, Hawai'i, May 17, 2004.

On the briefs:

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State of Hawai'i

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Stephen Bowman