

Department of the Prosecuting Attorney
City and County of Honolulu

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING
ATTORNEY



LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

October 4, 2019

The Honorable Ron Menor
Council Chair Emeritus
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Council Chair Emeritus Menor:

First, let me emphasize that the Department of the Prosecuting Attorney encourages a review of its policies and procedures as suggested in your resolution (#19-156).

My comments before the Committee on Executive Matters and Legal Affairs (EMLA) on September 24 regarding the resolution were meant to clarify why certain actions were taken. They were by no means meant to condone actions taken or meant to affirm that those actions should have been taken. My comments were merely meant to explain rightly or wrongly, why certain actions were taken.

The fifth paragraph of your resolution mentions a driving under the influence charge being “removed and dismissed from the court’s docket in May 2015.” As I stated at the September 24 hearing, my understanding was that driving under the influence involved a confidential informant. No mention was made of Christopher McKinney in your resolution and I did not mention his name in my testimony before the EMLA Committee. I cannot confirm or deny whether Mr. McKinney is a confidential informant.


Paragraph five of your resolution mentions an excessive speeding charge that was dismissed in 2014. News media has previously reported Prosecuting Attorney Keith Kaneshiro stated the ticket was dismissed as part of an investigation into police corruption. As the investigation has not resulted in charges being brought, I cannot comment further.

The Honorable Ron Menor
October 4, 2019
Page 2

Concerning Gerard PUANA's Unlawful Entry into a Dwelling charge and his moving for a deferred of acceptance of his plea, state law prohibited Puana from being granted a deferral. Section 853-4(a)(11), H.R.S, states a deferral shall not apply when "The defendant has been charged with a felony offense and has been previously granted a deferred acceptance plea or no contest plea for a prior offense, regardless of whether the period of deferral has already expired." Deputy Prosecuting Attorney Kaina Awong filed a "motion to correct illegal sentence" which would have set aside the order granting Puana's deferred acceptance of plea. Awong did this because Puana had previously been granted deferred acceptance of his pleas for harassment and terroristic threatening in the second degree. Therefore, under Section 853-4(a)(11), HRS, Puana should not have been eligible for a deferral in the felony Unlawful Entry into a Dwelling case.

To be clear, I do not condone or support any action taken by any Deputy Prosecuting Attorney or employee within the Department of the Prosecuting Attorney that is motivated by or made for personal reasons, or to benefit a friend or family member. While the Kealoha matter has raised some concerning issues, as the Acting Prosecuting Attorney I am committed to making sure office attorneys and staff conduct themselves in an ethical and honest manner and to leading this office forward in a positive direction.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight K. Nadamoto". The signature is written in a cursive style with a large, stylized initial 'D'.

DWIGHT K. NADAMOTO
Acting Prosecuting Attorney