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Electronically Filed
FIRST CIRCUIT
1CPC-23-0000318
16-MAR-2023
11:22 AM
Dkt. 1 FINC

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

STATE OF HAWAI'I

v.

JOSHUA NAHULU,
ERIK SMITH,
JAKE RYAN BARTOLOME, and
ROBERT GUS LEWIS III,

Defendants.

CASE NO. _____

COUNT 1:
COLLISIONS INVOLVING DEATH OR
SERIOUS BODILY INJURY
(§291C-12 HRS)
(REPORT/CITATION NO. 21391172-001)

COUNT 2:
HINDERING PROSECUTION IN THE
FIRST DEGREE
(§710-1029 and 710-1028(4) HRS)
(REPORT/CITATION NO. 21391172-002)

COUNT 3:
HINDERING PROSECUTION IN THE
FIRST DEGREE
(§710-1029 and 710-1028(4) HRS)
(REPORT/CITATION NO. 21391172-002)

COUNT 4:
HINDERING PROSECUTION IN THE
FIRST DEGREE
(§710-1029 and 710-1028(4) HRS)
(REPORT/CITATION NO. 21391172-002)

COUNT 5:
CONSPIRACY TO COMMIT
HINDERING PROSECUTION IN THE
FIRST DEGREE
(§705-520 and 710-1029 HRS)
(REPORT/CITATION NO. 21391172-003)

FELONY INFORMATION
AND NON-FELONY COMPLAINT

FELONY INFORMATION AND NON-FELONY COMPLAINT

The Deputy Prosecuting Attorney charges:

COUNT 1: On or about September 12, 2021, in the City and County of Honolulu, State of Hawai‘i, JOSHUA NAHULU, as the driver of a vehicle involved in a collision resulting in serious bodily injury, to wit, a protracted loss or impairment of the function of any bodily member or organ to Jonaven Perkins-Sinapati, in the form of a traumatic brain injury, with intent, knowledge, or reckless disregard of the substantial and unjustifiable risk that he was such a driver, did intentionally, knowingly, or recklessly fail to immediately stop the vehicle at the scene of the collision or as close thereto as possible, and did intentionally, knowingly, or recklessly fail to forthwith return to and in every event remain at the scene of the collision and fulfill the requirements of Section 291C-14(a) of the Hawai‘i Revised Statutes and/or Section 291C-14(b) of the Hawai‘i Revised Statutes, and the failure did not result from JOSHUA NAHULU avoiding an unnecessary obstruction of traffic, thereby committing the offense of Collisions Involving Death or Serious Bodily Injury, in violation of Section 291C-12 of the Hawai‘i Revised Statutes.

“Driver” means every person who drives or is in actual physical control of a vehicle.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or highway, including mopeds and bicycles, but excluding toy bicycles, devices other than bicycles moved by human power, and devices used exclusively upon stationary rails or tracks.

“Stop” when required means complete cessation from movement.

“Serious bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Bodily injury” means physical pain, illness, or any impairment of physical condition.

Section 291C-14(a) of the Hawai‘i Revised Statutes requires that the driver of any vehicle involved in a collision resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give the driver's name, address, and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit the driver's license or permit to drive to any person injured in the collision or to the driver or occupant of or person attending any vehicle or other property damaged in the collision and shall give such information and upon request exhibit such license or permit to any police officer at the scene of the collision or who is investigating the collision and shall render to any person injured in the collision reasonable assistance, including the carrying, or the making of arrangements for the carrying, of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person; provided that if the vehicle involved in the collision is a bicycle, the driver of the bicycle need not exhibit a license or permit to drive. Section 291C-14(b) of the Hawai‘i Revised Statutes requires that in the event that none of the persons specified is in condition to receive the information to which they otherwise would be entitled under Section 291C-14(a) of the Hawai‘i Revised Statutes and no police officer is present, the driver of any vehicle involved in the collision after fulfilling all other requirements of Section 291C-12 of the Hawai‘i Revised Statutes and Section 291C-14(a) of the Hawai‘i Revised Statutes, insofar as possible on the driver's part to be performed, shall forthwith report the collision to the nearest police officer and submit thereto the information specified in Section 291C-14(a) of the Hawai‘i Revised Statutes.

COUNT 2: On or about September 12, 2021, in the City and County of Honolulu, State of Hawai‘i, ERIK SMITH, with the intent to hinder the apprehension, prosecution, conviction, or

punishment of Joshua Nahulu for Collisions Involving Death or Serious Bodily Injury, a class B felony, or any included felony offense, did render assistance to Joshua Nahulu by preventing or obstructing, by means of deception, anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of Joshua Nahulu, thereby committing the offense of Hindering Prosecution in the First Degree, in violation of Sections 710-1029 and 710-1028(4) of the Hawai'i Revised Statutes.

“Renders assistance” means preventing or obstructing, by means of deception, anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of another person.

Joshua Nahulu commits the offense of Collisions Involving Death or Serious Bodily Injury, in violation of Section 291C-12 of the Hawai'i Revised Statutes, if, as the driver of a vehicle involved in a collision resulting in serious bodily injury or death to Jonaven Perkins-Sinapati, with intent, knowledge or reckless disregard of the substantial and unjustifiable risk that he was such a driver, did intentionally, knowingly, or recklessly fail to immediately stop the vehicle at the scene of the collision or as close thereto as possible, and did intentionally, knowingly, or recklessly fail to forthwith return to and in every even remain at the scene of the collision and fulfill the requirements of Section 291C-14(a) of the Hawai'i Revised Statutes and/or Section 291C-14(b) of the Hawai'i Revised Statutes, and the failure did not result from Joshua Nahulu avoiding an unnecessary obstruction of traffic, thereby committing the offense of Collision Involving Death or Serious Bodily Injury, in violation of Section 291C-12 of the Hawai'i Revised Statutes.

COUNT 3: On or about September 12, 2021, in the City and County of Honolulu, State of Hawai'i, JAKE RYAN BARTOLOME, with the intent to hinder the apprehension, prosecution, conviction, or punishment of Joshua Nahulu for Collisions Involving Death or Serious Bodily Injury,

a class B felony or any included felony offense, did render assistance to Joshua Nahulu by preventing or obstructing, by means of deception, anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of Joshua Nahulu, thereby committing the offense of Hindering Prosecution in the First Degree, in violation of Sections 710-1029 and 710-1028(4) of the Hawai‘i Revised Statutes.

“Renders assistance” means preventing or obstructing, by means of deception, anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of another person.

Joshua Nahulu commits the offense of Collisions Involving Death or Serious Bodily Injury, in violation of Section 291C-12 of the Hawai‘i Revised Statutes, if, as the driver of a vehicle involved in a collision resulting in serious bodily injury or death to Jonaven Perkins-Sinapati, with intent, knowledge or reckless disregard of the substantial and unjustifiable risk that he was such a driver, did intentionally, knowingly, or recklessly fail to immediately stop the vehicle at the scene of the collision or as close thereto as possible, and did intentionally, knowingly, or recklessly fail to forthwith return to and in every even remain at the scene of the collision and fulfill the requirements of Section 291C-14(a) of the Hawai‘i Revised Statutes and/or Section 291C-14(b) of the Hawai‘i Revised Statutes, and the failure did not result from Joshua Nahulu avoiding an unnecessary obstruction of traffic, thereby committing the offense of Collision Involving Death or Serious Bodily Injury, in violation of Section 291C-12 of the Hawai‘i Revised Statutes.

COUNT 4: On or about September 12, 2021, in the City and County of Honolulu, State of Hawai‘i, ROBERT GUS LEWIS III, with the intent to hinder the apprehension, prosecution, conviction, or punishment of Joshua Nahulu for Collisions Involving Death or Serious Bodily Injury, a class B felony, or any included felony offense, did render assistance to Joshua Nahulu by

preventing or obstructing, by means of deception, anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of Joshua Nahulu, thereby committing the offense of Hindering Prosecution in the First Degree, in violation of Sections 710-1029 and 710-1028(4) of the Hawai'i Revised Statutes.

“Renders assistance” means preventing or obstructing, by means of deception, anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of another person.

Joshua Nahulu commits the offense of Collisions Involving Death or Serious Bodily Injury, in violation of Section 291C-12 of the Hawai'i Revised Statutes, if, as the driver of a vehicle involved in a collision resulting in serious bodily injury or death to Jonaven Perkins-Sinapati, with intent, knowledge or reckless disregard of the substantial and unjustifiable risk that he was such a driver, did intentionally, knowingly, or recklessly fail to immediately stop the vehicle at the scene of the collision or as close thereto as possible, and did intentionally, knowingly, or recklessly fail to forthwith return to and in every even remain at the scene of the collision and fulfill the requirements of Section 291C-14(a) of the Hawai'i Revised Statutes and/or Section 291C-14(b) of the Hawai'i Revised Statutes, and the failure did not result from Joshua Nahulu avoiding an unnecessary obstruction of traffic, thereby committing the offense of Collision Involving Death or Serious Bodily Injury, in violation of Section 291C-12 of the Hawai'i Revised Statutes.

COUNT 5: On or about September 12, 2021 in the City and County of Honolulu, State of Hawai'i, ERIK SMITH, JAKE RYAN BARTOLOME, AND ROBERT GUS LEWIS III, with the intent to promote or facilitate the commission of a crime, to wit, Hindering Prosecution in the First Degree, did agree with each other, that they or one or more of them would engage in and/or solicit the conduct and/or solicit the result specified by the definition of the offense of Hindering

Prosecution in the First Degree, as defined by Section 710-1029 of the Hawai'i Revised Statutes, thereby committing the offense of Conspiracy to Commit Hindering Prosecution in the First Degree, in violation of Sections 705-520 and 710-1029 of the Hawai'i Revised Statutes Sections

ERIK SMITH, JAKE RYAN BARTOLOME, AND ROBERT GUS LEWIS III commit the offense of Hindering Prosecution in the First Degree, if with the intent to hinder the apprehension, prosecution, conviction, or punishment of Joshua Nahulu for Collisions Involving Death or Serious Bodily Injury, a class B felony, or any included felony offense, they did render assistance to Joshua Nahulu, by preventing or obstructing, by means of deception, anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of Joshua Nahulu, thereby committing the offense of Hindering Prosecution in the First Degree, in violation of Sections 710-1029 and 710-1028(4) of the Hawai'i Revised Statutes.

"Renders assistance" means preventing or obstructing, by means of deception, anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of another person.

Joshua Nahulu commits the offense of Collisions Involving Death or Serious Bodily Injury, in violation of Section 291C-12 of the Hawai'i Revised Statutes, if, as the driver of a vehicle involved in a collision resulting in serious bodily injury or death to Jonaven Perkins-Sinapati, with intent, knowledge or reckless disregard of the substantial and unjustifiable risk that he was such a driver, did intentionally, knowingly, or recklessly fail to immediately stop the vehicle at the scene of the collision or as close thereto as possible, and did intentionally, knowingly, or recklessly fail to forthwith return to and in every even remain at the scene of the collision and fulfill the requirements of Section 291C-14(a) of the Hawai'i Revised Statutes and/or Section 291C-14(b) of the Hawai'i Revised Statutes, and the failure did not result from Joshua Nahulu avoiding an unnecessary

obstruction of traffic, thereby committing the offense of Collision Involving Death or Serious Bodily Injury, in violation of Section 291C-12 of the Hawai'i Revised Statutes.

In furtherance of the conspiracy and the objects thereof, the following over acts, among others, were committed on or about September 12, 2021, within the City and County of Honolulu, State of Hawai'i:

OVERT ACTS

Defendant Smith

1. On September 12, 2021, Defendant Smith was employed as a Honolulu Police Department officer. On that day, he was assigned to first watch of patrol District 8, sector 1. First watch began on September 11, 2021 at 10:00 p.m. and ended on September 12, 2021 at 7:00 a.m.
2. On September 12, 2021, Defendant Smith was sent to Maili Beach Park at 87-0021 Farrington Highway for a loud noise complaint. Defendant Nahulu and Defendant co-conspirators Bartolome and Lewis also responded. While these officers were at Maili Beach Park, a white 2000 Honda four-door Civic with Hawai'i license plates EG-926 (the Honda) drove through the parking lot and exited onto Farrington Highway.
3. On September 12, 2021, Defendant Smith participated in an unannounced pursuit of the Honda driven by Jonaven Perkins-Sinapati. This pursuit occurred along Farrington Highway.
4. Defendant Smith was present when the Honda was involved in a collision near the area of Farrington Highway and Orange Street.
5. Defendant Smith passed the scene of the collision, made a right turn onto Jade Street, a right turn onto Lahaina, Street, and a right turn onto Makaha Valley Road. At the intersection of Makaha Valley Road and Farrington Highway, Defendant Smith turned left onto Farrington

Highway, and drove east away from the scene of the collision.

6. Wai‘anae Intermediate School is located at 85-626 Farrington Highway. After the collision, Defendant Smith met with Defendant co-conspirators Bartolome and Lewis at the Wai‘anae Intermediate School driveway. Defendant Nahulu was also present.
7. Defendant Smith was dispatched to the scene of the collision. Defendant Smith responded to the scene of the collision from the Wai‘anae Intermediate School driveway.
8. Defendant Smith activated his body-worn camera. While at the scene of the collision, Defendant Smith comported himself as if he had no prior knowledge of the facts that gave rise to the collision.
9. Defendant Smith submitted a “State of Hawai‘i Motor Vehicle Accident Report” under HPD report no. 21-389646-001. In that report, he wrote: “I was sent to an MVC type case. I arrived shortly thereafter.” Defendant Smith did not include any underlying facts leading to the collision, despite the fact that he was present when the collision occurred.

Defendant Bartolome

10. On September 12, 2021, Defendant Bartolome was employed as a Honolulu Police Department officer. On that day, he was assigned to first watch of patrol District 8, sector 1. First watch began on September 11, 2021 at 10:00 p.m. and ended on September 12, 2021 at 7:00 a.m.
11. On September 12, 2021, Defendant Bartolome was sent to Maili Beach Park at 87-0021 Farrington Highway for a loud noise complaint. Defendant Nahulu and Defendant co-conspirators Smith and Lewis also responded. While these officers were at Maili Beach Park, the Honda drove through the parking lot and exited onto Farrington Highway.
12. On September 12, 2021, Defendant Bartolome participated in an unannounced pursuit of the

Honda driven by Jonaven Perkins-Sinapati. This pursuit occurred along Farrington Highway.

13. Defendant Bartolome was present when the Honda was involved in a collision near the area of Farrington Highway and Orange Street.
14. Defendant Bartolome passed the scene of the collision, made a right turn onto Jade Street, a right turn onto Lahaina, Street, and a right turn onto Makaha Valley Road. At the intersection of Makaha Valley Road and Farrington Highway, Defendant Bartolome turned left onto Farrington Highway, and drove east away from the scene of the collision.
15. After the collision, Defendant Bartolome met with Defendant co-conspirators Smith and Lewis at the Wai‘anae Intermediate School driveway. Defendant Nahulu was also present.
16. Defendant Bartolome was dispatched to the scene of the collision. Defendant Bartolome responded to the scene of the collision from the Wai‘anae Intermediate School driveway.
17. Defendant Bartolome activated his body-worn camera. While at the scene of the collision, Defendant Bartolome comported himself as if he had no prior knowledge of the facts that gave rise to the collision.
18. Defendant Bartolome submitted a “State of Hawai‘i Motor Vehicle Accident Report” under HPD report no. 21-389646-001. In that report, he wrote: “About 0351 hours, I was sent to Farrington Highway and Orange Street on a MVC type case. I arrived about 0352 hours.” Defendant Bartolome did not include any underlying facts leading to the collision, despite the fact that he was present when the collision occurred.

Defendant Lewis

19. On September 12, 2021, Defendant Lewis was employed as a Honolulu Police Department officer. On that day, he was assigned to first watch of patrol District 8, sector 1. First watch

began on September 11, 2021 at 10:00 p.m. and ended on September 12, 2021 at 7:00 a.m.

20. On September 12, 2021, Defendant Lewis was at Maili Beach Park at 87-0021 Farrington Highway for a loud noise complaint. Defendant Nahulu and Defendant co-conspirators Bartolome and Smith were also there. While these officers were at Maili Beach Park, the Honda drove through the parking lot and exited onto Farrington Highway.
21. After the collision, Defendant Lewis met with Defendant co-conspirators Smith and Bartolome at the Wai‘anae Intermediate School driveway. Defendant Nahulu was also present.
22. Defendant Lewis responded to the scene of the collision.
23. Defendant Lewis activated his body-worn camera. While at the scene of the collision, Defendant Lewis comported himself as if he had no prior knowledge of the facts that gave rise to the collision.
24. Defendant Lewis submitted a “State of Hawai‘i Motor Vehicle Accident Report” under HPD report no. 21-389646-001. In that report, he wrote: “On 9-12-21, at about 0354 hours, I was sent via police dispatch to co-respond with HFD for a Motor Vehicle Collision type case. I arrived to the scene shortly after.” Defendant Lewis did not include any underlying facts leading to the collision. Defendant Lewis learned of these facts when he met with Defendant Nahulu and Defendant co-conspirators Bartolome and Smith at the Wai‘anae Intermediate School driveway after the collision but before they responded to the scene of the collision. Therefore, Defendant Jake Ryan Bartolome, Defendant Erik Smith, and Defendant Robert Gus Lewis III committed the offense of Criminal Conspiracy to Commit Hindering Prosecution in the First Degree in violation of Section 705-520, Section 710-1029, and

Section 710-1028(4) of the Hawai'i Revised Statutes.

Dated at Honolulu, Hawai'i: March 9, 2023.

STATE OF HAWAI'I

By STEVEN S. ALM
Prosecuting Attorney

By /s/ SCOTT BELL

SCOTT BELL
Deputy Prosecuting Attorney
City and County of Honolulu