

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

State of Hawai‘i v. Christopher M. Keliheleua

No. CAAP-XX-XXXXXXX, Intermediate Court of Appeals of the State of Hawai‘i (January 30, 2026)

SUMMARY

The Intermediate Court of Appeals of Hawai‘i affirmed an order denying in part Christopher M. Keliheleua’s motion to dismiss indictment counts for lack of probable cause. The court held that the grand-jury evidence supported a strong suspicion that Keliheleua knowingly subjected a mentally defective person to sexual penetration, and that the challenged findings and conclusions were not clearly erroneous.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Keith K. Hiraoka, Presiding Judge; Clyde J. Wadsworth, Associate Judge; Kimberly T. Guidry, Associate Judge
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	January 30, 2026
DOCKET	CAAP-XX-XXXXXXX
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from an order denying in part the defendant's motion to dismiss indictment Counts I and IV for lack of probable cause.
STANDARD OF REVIEW	Orders denying motions to dismiss indictments for lack of probable cause and conclusions of law are reviewed de novo under the right/wrong standard; findings of fact are reviewed for clear error and are upheld when supported by substantial evidence; mixed findings and conclusions are reviewed under the clearly erroneous standard when dependent on the facts and circumstances.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Christopher M. Keliheleua v. State of Hawai‘i

TOPICS

- probable cause
- grand jury
- interlocutory appeal
- appellate procedure
- criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court clearly erred in finding that the complaining witness testified that Keliiheleua touched her vagina and that it became sore.
2. Whether the circuit court correctly applied the probable-cause standard for a grand jury indictment.
3. Whether the evidence before the grand jury supported probable cause that Keliiheleua inserted his finger into the complaining witness's genital opening as charged in Count I.

HOLDINGS

1. A grand jury indictment must be supported by probable cause, meaning facts that would lead a person of ordinary caution or prudence to believe and conscientiously entertain a strong suspicion of the accused's guilt. The evidence need not be sufficient to prove guilt at trial, and legitimate inferences must be drawn in favor of the indictment without substituting judicial judgment for the grand jury's assessment of evidentiary weight.
2. The grand-jury testimony provided sufficient evidence for a person of ordinary caution or prudence to entertain a strong suspicion that Keliiheleua inserted his finger into the complaining witness's genital opening. The circuit court's findings and mixed findings and conclusions supporting probable cause were not clearly erroneous.

KEY QUOTATIONS

“Probable cause is established by a state of facts as would lead a person of ordinary caution or prudence to believe and conscientiously entertain a strong suspicion of the guilt of the accused.” (at 1-2)

“The evidence to support an indictment need not be sufficient to support a conviction.” (at 1-2)

“Here, the evidence presented to the grand jury would lead a person of ordinary caution or prudence to believe and conscientiously entertain “a strong suspicion” that Keliiheleua inserted his finger into CW's genital opening.” (at 5-6)

FACTUAL BACKGROUND

A grand jury indicted Keliiheleua on six counts, including first-degree sexual assault based on an allegation that he inserted his finger into the complaining witness's genital opening. The complaining witness testified before the grand jury that Keliiheleua touched her vagina and that it became sore, and also described other sexual contact. The complaining witness's caregiver testified that she was twenty-two years old, had a moderate intellectual disability, and functioned at approximately the age of a ten-year-old. The appellate court concluded that this testimony supported a strong suspicion that the charged sexual penetration occurred.

PROCEDURAL HISTORY

A grand jury returned a six-count indictment. Keliheleua moved to dismiss Counts I and IV, alleging lack of probable cause. The Circuit Court dismissed Count IV but denied the motion as to Count I, which charged first-degree sexual assault. The Intermediate Court of Appeals granted leave for an interlocutory appeal and affirmed the order.

DISPOSITION

affirmed

CASES CITED

- State v. Park, 149 Hawai'i 542, 546, 551, 495 P.3d 392, 396, 401 (App. 2021)
- State v. Taylor, 126 Hawai'i 205, 215, 269 P.3d 740, 750 (2011)
- State v. Freedle, 1 Haw. App. 396, 399-401, 620 P.2d 740, 743 (1980)
- State v. Kuba, 68 Haw. 184, 190, 706 P.2d 1305, 1310-11 (1985)
- People v. Shirley, 78 Cal. App. 3d 424, 144 Cal. Rptr. 282 (1978)
- State v. Russo, 141 Hawai'i 181, 195-96, 407 P.3d 137, 151-52 (2017)
- State v. Atwood, 129 Hawai'i 414, 420, 301 P.3d 1255, 1261 (2013)
- State v. Ontai, 84 Hawai'i 56, 64, 929 P.2d 69, 77 (1996)
- State v. Maganis, 109 Hawai'i 84, 86, 123 P.3d 679, 681 (2005)