

# INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

## State of Hawai‘i v. Ryan M. Shuptrine

Shuptrine · No. CAAP-XX-XXXXXXX · Decided April 29, 2026

### SUMMARY

The Hawai‘i Intermediate Court of Appeals vacated Ryan M. Shuptrine’s conviction for excessive speeding and remanded for further proceedings. The court held that the district court violated Shuptrine’s constitutional right not to testify by failing to conduct the required Tachibana colloquy before he testified, and the State could not establish that the error was harmless beyond a reasonable doubt.

### 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; Sonja M.P. McCullen, Associate Judge                                                                                                                  |
| JURISDICTION          | Intermediate Court of Appeals of the State of Hawai‘i                                                                                                                                                                         |
| DECIDED               | April 29, 2026                                                                                                                                                                                                                |
| DOCKET                | CAAP-XX-XXXXXXX                                                                                                                                                                                                               |
| DISPOSITION           | vacated                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Defendant appealed the District Court of the First Circuit's amended judgment convicting him of excessive speeding. The Intermediate Court of Appeals vacated the judgment and remanded.                                      |
| STANDARD OF REVIEW    | A constitutional error requires vacatur unless the State proves the error harmless beyond a reasonable doubt; the relevant inquiry is whether there is a reasonable possibility that the error contributed to the conviction. |
| PRECEDENTIAL VALUE    | unpublished and nonprecedential                                                                                                                                                                                               |
| PARTIES               | Ryan M. Shuptrine v. State of Hawai‘i                                                                                                                                                                                         |

### TOPICS

criminal procedure

fifth amendment

harmless error

appellate procedure

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the district court was required to conduct the Tachibana ultimate colloquy concerning the defendant's right not to testify even though the defendant testified.
2. Whether the failure to conduct that colloquy violated Shuptrine's constitutional right not to testify.
3. Whether the constitutional error was harmless beyond a reasonable doubt.

## HOLDINGS

1. In every criminal trial, the trial court must conduct the ultimate colloquy advising the defendant of the rights to testify and not testify, including when the defendant ultimately testifies.
2. The district court's failure to conduct the ultimate colloquy violated Shuptrine's constitutional right not to testify.
3. The State failed to prove that the failure to conduct the ultimate colloquy was harmless beyond a reasonable doubt.

## KEY QUOTATIONS

*“However, in 2019, the Hawai‘i Supreme Court required this colloquy in all criminal trials, whether or not the defendant testifies.”* (at 4)

*“In other words, there was a reasonable possibility that the failure to engage in a colloquy with Shuptrine regarding his right not to testify may have contributed to his conviction.”* (at 5)

*“Based on the foregoing, we vacate the district court's March 27, 2024 amended Judgment of Conviction and remand this case for further proceedings consistent with this summary disposition order.”* (at 6)

## FACTUAL BACKGROUND

A police officer used a speed laser device to measure Shuptrine traveling at 96 miles per hour on the H-1 freeway, where the speed limit was 55 miles per hour. After the officer testified, Shuptrine testified about trying to reach a hospital to sing to someone being taken off life support. The district court confirmed only that testifying was Shuptrine's decision, did not conduct the required ultimate colloquy concerning his right not to testify, found the officer credible, and convicted Shuptrine.

## PROCEDURAL HISTORY

The District Court of the First Circuit, ‘Ewa Division, convicted Shuptrine of excessive speeding after a bench trial and entered an amended judgment on March 27, 2024. Shuptrine appealed, arguing, among other things, that the court failed to conduct the required colloquy concerning his right not to testify before he testified. The State conceded error and acknowledged that it could not establish harmlessness beyond a reasonable doubt.

## DISPOSITION

vacated

## REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the summary disposition order.

## CASES CITED

- Tachibana v. State, 79 Hawai‘i 226, 236, 240, 900 P.2d 1293, 1303, 1307 (1995)
- State v. Monteil, 134 Hawai‘i 361, 373, 341 P.3d 567, 579 (2014)
- State v. Celestine, 142 Hawai‘i 165, 170, 415 P.3d 907, 912 (2018)
- State v. Torres, 144 Hawai‘i 282, 290-91, 294-95, 439 P.3d 234, 242-43, 246-47 (2019)
- State v. Eduwensuyi, 141 Hawai‘i 328, 336, 409 P.3d 732, 740 (2018)
- State v. Han, 130 Hawai‘i 83, 93, 306 P.3d 128, 138 (2013)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/intermediate-court-of-appeals-of-the-state-of-hawai-i-intermediate-court-of-appeals-of-the-state-of/2026/state-of-hawai-i-v-ryan-m-shuptrine-7lnfz9a0>