

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

State of Hawai‘i v. Marcos A. De Jesus

State v. De Jesus · No. CAAP-24-0000723 · Decided May 5, 2026

SUMMARY

The Intermediate Court of Appeals of Hawai‘i affirmed Marcos A. De Jesus's conviction for reckless driving under Hawai‘i Revised Statutes § 291-2. The court held that sufficient evidence supported the conviction and that the district court adequately found De Jesus acted recklessly.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Katherine G. Leonard, Presiding Judge; Clyde J. Wadsworth, Associate Judge; Kimberly T. Guidry, Associate Judge
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	May 5, 2026
DOCKET	CAAP-24-0000723
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his conviction for reckless driving following a jury-waived trial in the District Court of the First Circuit, Kāne‘ohe Division.
STANDARD OF REVIEW	The evidence is viewed in the strongest light for the prosecution when reviewing the legal sufficiency of evidence supporting a conviction. The appellate test is whether substantial evidence supported the trier of fact's conclusion, not whether the appellate court itself finds guilt established beyond a reasonable doubt. The same standard applies to convictions following a bench trial and jury trials.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Marcos A. De Jesus v. State of Hawai‘i

TOPICS

- appellate procedure
- standard of review
- criminal procedure
- evidence
- mens rea

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether substantial evidence supported De Jesus's conviction for reckless driving under Hawai'i Revised Statutes § 291-2.
2. Whether the district court found that De Jesus acted with the requisite reckless state of mind under Hawai'i Revised Statutes § 702-206(3).

HOLDINGS

1. The State presented sufficient evidence to support De Jesus's conviction for reckless driving because the complaining witness testified that De Jesus was speeding, passed and flew between vehicles with little space, switched lanes irresponsibly, and engaged in a sewing maneuver.
2. The district court found, based on the trial evidence, that De Jesus acted recklessly.

KEY QUOTATIONS

"[E]vidence adduced in the trial court must be considered in the strongest light for the prosecution when the appellate court passes on the legal sufficiency of such evidence to support a conviction; the same standard applies whether the case was before a judge or jury." (at 2)

"A person acts recklessly with respect to his conduct when he consciously disregards a substantial and unjustifiable risk that the person's conduct is of the specified nature." (at 4)

"We conclude that the district court found, based on the evidence presented at trial, that De Jesus acted recklessly." (at 5)

FACTUAL BACKGROUND

A complaining witness testified that De Jesus drove a blue car at a high rate of speed, passed between vehicles through a small gap, repeatedly switched lanes, and engaged in a maneuver the witness described as "sewing." After De Jesus continued driving rapidly and changing lanes irresponsibly, a Honda Civic collided with the complaining witness's vehicle, causing it to spin out of control. The district court found that De Jesus's dangerous driving placed other vehicles in danger and caused the collision.

PROCEDURAL HISTORY

The State charged De Jesus by complaint with reckless driving of a vehicle and racing on highways. After a jury-waived trial, the district court found him guilty of reckless driving, granted his motion for judgment of acquittal on the racing charge, and imposed a \$1,000 fine, restitution of \$29,631, fees, and a driver's improvement course. De Jesus appealed, challenging the sufficiency of the evidence and the district court's finding that he acted recklessly.

DISPOSITION

affirmed

CASES CITED

- State v. Kalaola, 124 Hawai‘i 43, 49, 237 P.3d 1109, 1115 (2010)
- State v. Agard, 113 Hawai‘i 321, 324, 151 P.3d 802, 805 (2007)

OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAI‘I REPORTS AND PACIFIC REPORTER
Electronically Filed Intermediate Court of Appeals CAAP-XX-XXXXXXX 05-MAY-2026 07:50
AM Dkt. 81 SO NO. CAAP-XX-XXXXXXX IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI‘I STATE OF HAWAI‘I, Plaintiff-Appellee, v. MARCOS A. DE
JESUS, Defendant-Appellant APPEAL FROM THE DISTRICT COURT OF THE FIRST
CIRCUIT KĀNE‘OHE DIVISION (CASE NO. 1DTA-23-01261) SUMMARY DISPOSITION
ORDER (By: Leonard, Presiding Judge, Wadsworth and Guidry, JJ.)

Defendant-Appellant Marcos A. De Jesus (De Jesus) appeals from the District Court of the First Circuit's (district court) 1 October 1, 2024 "Notice of Entry of Judgment and/or Order and Plea/Judgment" (Judgment). On August 10, 2023, the State of Hawai‘i (State) charged De Jesus by Complaint with Reckless Driving of Vehicle 1 The Honorable Alvin K. Nishimura presided.

NOT FOR PUBLICATION IN WEST'S HAWAI‘I REPORTS AND PACIFIC REPORTER in
violation of Hawaii Revised Statutes (HRS) § 291-2 (2020) (Count 1), and Racing on Highways in
violation of HRS § 291C-103 (2020). Following a jury-waived trial, the district court found De
Jesus guilty as to Count 1, but granted De Jesus' motion for judgment of acquittal as to Count 2.

The district court imposed a \$1,000 fine, \$29,631 in restitution, fees, and ordered De Jesus to take a driver's improvement course. On appeal, De Jesus raises two points of error, contending that the district court erred: (1) "in convicting De Jesus of Reckless Driving... because the State failed to provide sufficient evidence to prove that De Jesus operated his vehicle in reckless disregard of the safety of persons or property"; and (2) "in convicting De Jesus of Reckless Driving... because the [d]istrict [c]ourt did not find that De Jesus acted with the requisite state of mind—recklessly."

Upon careful review of the record, briefs, and relevant legal authorities, and having given due consideration to the arguments advanced and the issues raised by the parties, we address De Jesus' points of error on appeal as follows: (1) De Jesus contends that there is insufficient evidence to support "that De Jesus operated his vehicle in reckless disregard of the safety of persons or property."

We apply the following standard in our review of De Jesus' contention: 2 NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER [E]vidence adduced in the trial court must be considered in the strongest light for the prosecution when the appellate court passes on the legal sufficiency of such evidence to support a conviction; the same standard applies whether the case was before a judge or jury.

The test on appeal is not whether guilt is established beyond a reasonable doubt, but whether there was substantial evidence to support the conclusion of the trier of fact. *State v. Kalaola*, 124 Hawai'i 43, 49, 237 P.3d 1109, 1115 (2010) (citations omitted). "Substantial evidence... is credible evidence which is of sufficient quality and probative value to enable a person of reasonable caution to support a conclusion."

Id. (cleaned up). De Jesus specifically argues that the district court's finding of guilt was premised on its erroneous factual finding that De Jesus was "sewing" (i.e., "darting in and out of the lanes back and forth"). De Jesus contends that there is no substantial evidence to support that De Jesus was "sewing," and therefore not sufficient evidence to support that De Jesus' driving was "reckless and contributed to this collision [of the complaining witnesses' (CW) vehicle with another vehicle]."

At trial, the CW testified as follows: Well, I was driving with my wife. Was about 4 p.m., I think. I don't remember. We're coming from church, going to the base. And [De Jesus, driving a blue car] passed between me and another car right -- right beside me very fast, very (indiscernible), sewing, (gestures)[.] I'm driving with my wife. And then [De Jesus] pass between me and this car on the -- that was little space, to be honest.

(Gestures.) That was completely ridiculous. [De Jesus] pass, flying between us. Where I'm from, as we call that sewing, when you go -- (gestures). 3 NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER Then [De Jesus] pass, flying between us. That's when I saw [De Jesus]. [De Jesus] keep going fast. [De Jesus' car] was speeding and switching lanes irresponsibly way above the speed limit.

Then the Honda Civic slam behind my car. (Gestures.) And we went out of control, spinning. (Emphasis added.) 2 CW testified that De Jesus was speeding, passing and "flying" between cars with "little space," "switching lanes irresponsibly," and "sewing."

We conclude that the State introduced sufficient evidence, through CW's testimony, to support De Jesus' conviction for Count 1. (2) De Jesus contends that the district court erred because it "did not find that De Jesus acted with the requisite state of mind—recklessly." HRS § 291-2 provides, in relevant part, that "[w]hoever operates any vehicle... in disregard of the safety of persons or property is guilty of reckless driving of vehicle."

Although HRS § 291-2 does not itself define "recklessly," HRS § 702-206(3) (2014) instructs that, (a) A person acts recklessly with respect to his conduct when he consciously disregards a substantial and unjustifiable risk that the person's conduct is of the specified nature. 2 At trial, the CW at times referred to De Jesus' car as the "blue car," and the car that collided with CW's car as "the Honda Civic, white."

4 NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER (c) A person acts recklessly with respect to a result of his conduct when he consciously disregards a substantial and unjustifiable risk that his conduct will cause such a result. (d) A risk is substantial and unjustifiable within the meaning of this section if, considering the nature and purpose of the person's conduct and the circumstances known to him, the disregard of the risk involves a gross deviation from the standard of conduct that a law-abiding person would observe in the same situation.

See also *State v. Agard*, 113 Hawai'i 321, 324, 151 P.3d 802, 805 (2007) (recognizing that "the state of mind definition in HRS § 702-206(3) applies to HRS § 291-2"). Here, the district court found that, [T]he evidence that came out during the trial was that as that person and other people were driving down the highway, you in your vehicle and another person in their vehicle were darting in and out of traffic at a high rate of speed, catching up to people and darting in and out of the lanes back and forth.

In fact, I think one witness described it as kind of like a sewing maneuver, in and out and in and out and in and out, between all the vehicles down the highway. And that dangerous, reckless type of driving at the high rate of speed is what caused all of this to occur. It caused other vehicles to be in danger and caused other vehicles to collide because of [De Jesus'] driving in and out of traffic at that high rate of speed.

And although [De Jesus'] vehicle may not have made actual contact [with CW's vehicle], it was the actions of [De Jesus] in [De Jesus'] vehicle going in and out and -- and essentially causing people to be in fear on the road and -- and being contacted by other vehicles because [De Jesus'] vehicle was reckless. I mean, I don't know how to describe it other than the conduct was reckless.

And this sewing maneuver in and out of traffic, I mean, it's almost like -- I mean -- well, I'm not going to get into comparisons, because there's many times where people can cause things to happen even without making contact because their actions are so reckless. 5 NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER We conclude that the district court found, based on the evidence presented at trial, that De Jesus acted recklessly.

We therefore affirm the Judgment. DATED: Honolulu, Hawai'i, May 5, 2026. On the briefs: /s/ Katherine G. Leonard Presiding Judge Henry P. Ting, Deputy Public Defender, /s/ Clyde J. Wadsworth for Defendant-Appellant. Associate Judge Brian R. Vincent, /s/ Kimberly T. Guidry

Deputy Prosecuting Attorney, Associate Judge City and County of Honolulu, for Plaintiff-Appellee.

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