

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

State of Hawai‘i v. Lawrence Turno

State v. Turno · No. CAAP-24-0000451 · Decided April 27, 2026

SUMMARY

The Hawai‘i Intermediate Court of Appeals affirmed orders denying Lawrence Turno’s motions to suppress evidence in an interlocutory appeal arising from an undercover investigation and commercial sexual exploitation of a minor charge. The court held that Turno was not in custody for Miranda purposes when he sent the relevant text messages, had no reasonable expectation of privacy in the consensually recorded communications, and was subject to the participant-recording exception of Hawai‘i’s Wiretap Act.

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	April 27, 2026
DOCKET	CAAP-24-0000451
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from orders denying motions to suppress evidence based on alleged illegal interrogation, violation of the Hawai‘i constitutional right to privacy, and violation of the Hawai‘i Wiretap Act.
STANDARD OF REVIEW	The court reviewed the motion to suppress ruling de novo.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Lawrence Turno v. State of Hawai‘i

TOPICS

- interlocutory appeal
- miranda rights
- suppression of evidence
- fourth amendment
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether Turno was subjected to custodial interrogation requiring Miranda warnings when he exchanged incriminating text messages with an undercover officer, despite not having been stopped, detained, or otherwise deprived of freedom of action.
2. Whether the undercover officer's use of a fictitious online persona and recording of the communications violated Turno's privacy right under article I, section 7 of the Hawai'i Constitution.
3. Whether the undercover officer's recording of the electronic communications violated the Hawai'i Wiretap Act, HRS § 803-42, or fell within the participant-recording exception in HRS § 803-42(b)(4).

HOLDINGS

1. Turno was not in custody for Miranda purposes when he sent the incriminating text messages because he had not been stopped, detained, or otherwise deprived of his freedom of action. Probable cause to arrest, standing alone, did not establish Miranda custody under these circumstances.
2. The undercover officer's participation in and recording of the communications did not violate Turno's privacy right under article I, section 7 of the Hawai'i Constitution because Turno had no reasonable expectation of privacy in a conversation with a consenting participant.
3. The undercover officer's interception and recording of the electronic communications fell within HRS § 803-42(b)(4)'s participant-recording exception. The officer's deceptive use of a fictitious persona did not make the exception inapplicable.

KEY QUOTATIONS

“there was no 'initial stop or detention' or other deprivation of freedom of action at the time [the defendant] made the statements . . . regardless of whether probable cause to arrest existed at the time [the government agent] contacted [the defendant.]” (at 3)

“[T]here is no reasonable expectation of privacy in consensual recording[.]” (at 4)

“The officer's deception is not relevant in determining whether the participant recording exception under HRS § 803-42(b)(4) applies.” (at 6)

FACTUAL BACKGROUND

An undercover Maui police officer created a fictitious profile on an escort/prostitution website and communicated with Turno while posing as a person named Scarlett. Turno agreed to pay \$250 for sexual intercourse and continued communicating after being told Scarlett was sixteen years old; he then agreed to meet at a Safeway in Kihei, where he was arrested. The officer generated a communications log of the text exchange and used the exchange and related evidence in the prosecution.

PROCEDURAL HISTORY

The State charged Turno by felony information with one count of commercial sexual exploitation of a minor under HRS § 712-1209.1. Turno moved to suppress evidence arising from the undercover operation, asserting Miranda, constitutional privacy, and Wiretap Act violations. After evidentiary hearings, the Circuit Court of the

Second Circuit denied both suppression motions and granted Turno leave to pursue an interlocutory appeal. The Intermediate Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Spies, 157 Hawai‘i 75, 575 P.3d 708 (2025)
- State v. Hoffman, 155 Hawai‘i 166, 557 P.3d 895 (2024)
- State v. James, 153 Hawai‘i 503, 541 P.3d 1266 (2024)
- State v. Walton, 133 Hawai‘i 66, 324 P.3d 876 (2014)
- State v. Lee, 67 Haw. 307, 686 P.2d 816 (1984)
- State v. Pickell, 154 Hawai‘i 50, 544 P.3d 1287 (2023)

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