

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

State of Hawai‘i v. Robert A.C. Midel

Midel · No. CAAP-XX-XXXXXXX · Decided February 25, 2026

SUMMARY

The Hawai‘i Intermediate Court of Appeals affirmed Robert A.C. Midel’s conviction and sentence for second-degree murder. The court rejected challenges to his waiver of a jury trial, waiver of the right to testify, and the denial of his motion to dismiss based on speedy-trial and Hawai‘i Rules of Penal Procedure Rule 48 grounds. The court held that the waivers were knowing, intelligent, and voluntary and that the trial meaningfully commenced despite COVID-19-related delays.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Keith K. Hiraoka, Presiding Judge; Sonja M.P. McCullen, Associate Judge; Kimberly T. Guidry, Associate Judge
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	February 25, 2026
DOCKET	CAAP-XX-XXXXXXX
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from the Circuit Court of the First Circuit's September 25, 2024 judgment of conviction and sentence for second-degree murder, challenging his jury-trial waiver, waiver of the right to testify, and denial of his motion to dismiss based on speedy-trial and Hawai‘i Rules of Penal Procedure Rule 48 grounds.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert A.C. Midel v. State of Hawai‘i

TOPICS

- criminal procedure
- sixth amendment
- speedy trial
- appellate procedure
- preservation of error

PRACTICE AREAS

- criminal procedure
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the circuit court adequately ensured that Midel knowingly, intelligently, and voluntarily waived his fundamental right to a jury trial and properly denied his motion to set aside that waiver.
2. Whether the circuit court adequately ensured that Midel knowingly, intelligently, and voluntarily waived his right to testify through a meaningful on-the-record colloquy.
3. Whether the circuit court erred in denying Midel's motion to dismiss for violation of speedy-trial rights and HRPP Rule 48, including whether the trial meaningfully commenced on June 29, 2020.

HOLDINGS

1. The circuit court adequately established that Midel knowingly, intelligently, and voluntarily waived his right to a jury trial, and it properly denied his motion to set aside the waiver.
2. The circuit court conducted a meaningful on-the-record colloquy concerning Midel's right to testify and right not to testify, and Midel failed to show that the colloquy affected his substantial rights.
3. The trial meaningfully commenced on June 29, 2020, so the circuit court did not err in denying Midel's motion to dismiss under HRPP Rule 48 or in declining to vacate his conviction.

KEY QUOTATIONS

"A waiver is knowing and intelligent when it is made with full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." (at 8)

"HRPP Rule 48 requires a 'meaningful' commencement of trial." (at 13)

"[A] trial is 'meaningfully' commenced when a trial court has 'reasonably' committed its resources to the trial, which also requires that the parties be ready to proceed." (at 13)

FACTUAL BACKGROUND

On August 18, 2018, Vincent Vanterpool observed Midel and Ryan Cavalear fighting in a hallway at the Nu‘uanu YMCA. Vanterpool saw Midel holding a large knife and push it into Cavalear's neck; Cavalear died. At trial, the State presented testimony from its witnesses over June 29 and 30, 2020, but needed the former chief medical examiner, who lived on the continent, to complete its case. COVID-19 travel and facility restrictions caused additional continuances before the witness testified on March 25, 2021.

PROCEDURAL HISTORY

The State's 2018 superseding indictment was dismissed without prejudice after the circuit court granted Midel's HRPP Rule 48 motion. The State reindicted Midel in October 2019. Midel waived a jury trial, a bench trial began on June 29, 2020, and was completed after COVID-19-related continuances and the testimony of a necessary out-of-state witness. The circuit court denied Midel's motion to dismiss, found him guilty, later resolved fitness-to-proceed proceedings, denied his motion to set aside the jury waiver, and sentenced him to life imprisonment with the possibility of parole and restitution. The Intermediate Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Torres, 144 Hawai‘i 282, 288, 439 P.3d 234, 240 (2019)
- State v. Gomez-Lobato, 130 Hawai‘i 465, 469, 312 P.3d 897, 901 (2013)
- U.S. v. Duarte-Higareda, 113 F.3d 1000, 1002 (9th Cir. 1997)
- State v. Chong Hung Han, 130 Hawai‘i 83, 92, 306 P.3d 128, 137 (2013)
- State v. Celestine, 142 Hawai‘i 165, 169-70, 415 P.3d 907, 911-12 (2018)
- State v. Adler, 108 Hawai‘i 169, 178, 118 P.3d 652, 661 (2005)
- State v. Alkire, 148 Hawai‘i 73, 87, 468 P.3d 87, 101 (2020)
- In re Judiciary's Response to the COVID-19 Outbreak, SCMF-XX-XXXXXXX, docket #1, filed Mar. 16, 2020
- In re Judiciary's Response to the COVID-19 Outbreak, SCMF-XX-XXXXXXX, docket #19, filed Apr. 27, 2020
- In re Judiciary's Response to the COVID-19 Outbreak, SCMF-XX-XXXXXXX, docket #69, filed Oct. 22, 2020