

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

Bicalho v. Administrative Director of the Courts

Bicalho v. Administrative Director of the Courts · No. CAAP-XX-XXXXXXX · Decided April 16, 2026

SUMMARY

The Hawai‘i Intermediate Court of Appeals affirmed the district court’s judgment upholding the administrative revocation of Leandro Lara Bicalho’s driver’s license following an OVUII arrest. The court assumed that the hearings officer erred by denying a subpoena for video evidence but held that any error was harmless because the other officers’ observations independently established reasonable suspicion, probable cause, and the required preponderance of evidence.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Katherine G. Leonard, Presiding Judge; Keith K. Hiraoka, Associate Judge; Sonja M.P. McCullen, Associate Judge
JURISDICTION	Hawai‘i Intermediate Court of Appeals
DECIDED	April 16, 2026
DOCKET	CAAP-XX-XXXXXXX
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the District Court of the First Circuit's affirmance of an administrative revocation of Bicalho's driver's license.
STANDARD OF REVIEW	The court applied harmless-error review, asking whether there was a reasonable possibility that the alleged error contributed to the license revocation.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Leandro Lara Bicalho v. Administrative Director of the Courts

TOPICS

- judicial review of agency action
- harmless error
- administrative law
- evidence
- impeachment

PRACTICE AREAS

- administrative law
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether any error by the administrative hearings officer in denying Bicalho's subpoena request for the Thomas Video was harmless.
2. Whether, after disregarding Sergeant Spiker's observations, the remaining observations of Officers Koike and Oallesma satisfied the statutory requirements for affirming the administrative license revocation.

HOLDINGS

1. Any error in denying Bicalho's request to subpoena the Thomas Video was harmless because, even without relying on Sergeant Spiker's observations or the potential impeachment evidence, the remaining evidence supported the license revocation.
2. The evidence independent of Sergeant Spiker's observations satisfied the statutory requirements for affirming the administrative revocation: reasonable suspicion supported the stop, probable cause supported the belief that Bicalho operated under the influence, and a preponderance of the evidence established that he did so.

KEY QUOTATIONS

"When considering whether error is harmless, the question is whether "there is a reasonable possibility that the error might have contributed" to the revocation of Bicalho's license." (4)

"After disregarding Sgt. Spiker's observations, the totality of Officer Koike's and Officer Oallesma's observations nonetheless showed it was more probable than not that Bicalho operated his vehicle while under the influence of an intoxicant." (7)

FACTUAL BACKGROUND

Bicalho was arrested in January 2023 for operating a vehicle under the influence of an intoxicant after officers observed him driving without headlights, crossing a solid white line, and cutting off a police vehicle. Officers also observed signs of intoxication, including an odor of alcohol, watery and glassy eyes, slurred speech, poor balance, and multiple clues on field sobriety tests. During the administrative revocation proceedings, the hearings officer denied Bicalho's request to subpoena a video that he claimed was necessary to impeach Sergeant Spiker, although the officer took administrative notice of facts concerning the video.

PROCEDURAL HISTORY

After Bicalho's driver's license was administratively revoked following his arrest for operating a vehicle under the influence of an intoxicant, he requested an administrative hearing. The hearings officer denied his request for a subpoena for a video relevant to impeaching an arresting sergeant but affirmed the revocation. The district court held that denial of the subpoena was error but harmless and affirmed; the Intermediate Court of Appeals affirmed the district court.

DISPOSITION

affirmed

CASES CITED

- State v. Su, 147 Hawai‘i 272, 465 P.3d 719 (2020)
- State v. Sylva, 153 Hawai‘i 447, 458, 541 P.3d 1210, 1221 (2023)
- State v. Alvarez, 138 Hawai‘i 173, 182, 378 P.3d 889, 898 (2016)
- State v. Kaleohano, 99 Hawai‘i 370, 378, 56 P.3d 138, 146 (2002)
- State v. Ontai, 84 Hawai‘i 56, 63, 929 P.2d 69, 76 (1996)
- State v. Chung, 75 Haw. 398, 409-10, 862 P.2d 1063, 1070 (1993)
- Coyle v. Compton, 85 Hawai‘i 197, 202, 940 P.2d 404, 409 (App. 1997)
- State v. Mitchell, 94 Hawai‘i 388, 399, 15 P.3d 314, 325 (App. 2000)
- Oyadomari v. Admin. Dir. of Cts., 123 Hawai‘i 312, 234 P.3d 694, No. 29918, 2010 WL 2904672, at *3 (App. July 26, 2010) (mem. op.)

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