

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

## State v. Ahina

Ahina · No. CAAP-XX-XXXXXXX · Decided December 17, 2025

### SUMMARY

The Hawai‘i Intermediate Court of Appeals affirmed the Circuit Court of the Second Circuit’s amended judgment convicting Ikaika Pua Aren Ahina of three counts of second-degree criminal property damage and imposing probation. The court declined to address an inadequately preserved evidentiary challenge, rejected the argument that a surveillance-video identification warranted an eyewitness jury instruction, and deemed the prosecutorial-misconduct claim insufficiently argued.

### CASE DETAILS

|                       |                                                                                                                                                                                                                            |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Intermediate Court of Appeals of the State of Hawai‘i                                                                                                                                                                      |
| WRITING FOR THE COURT | Karen T. Nakasone; Sonja M.P. McCullen; Kimberly T. Guidry                                                                                                                                                                 |
| JURISDICTION          | Intermediate Court of Appeals of the State of Hawai‘i                                                                                                                                                                      |
| DECIDED               | December 17, 2025                                                                                                                                                                                                          |
| DOCKET                | CAAP-XX-XXXXXXX                                                                                                                                                                                                            |
| DISPOSITION           | affirmed                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Defendant appealed from an amended judgment entered after a jury convicted him of three counts of second-degree criminal property damage and the circuit court imposed a probation sentence.                               |
| STANDARD OF REVIEW    | The opinion does not expressly state a standard of review. It applied preservation and waiver principles to the evidentiary and prosecutorial-misconduct claims and reviewed the jury-instruction claim for alleged error. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                            |
| PARTIES               | Ikaika Pua Aren Ahina, also known as Aren Ahina v. State of Hawai‘i                                                                                                                                                        |

### TOPICS

- preservation of error
- appellate procedure
- jury instructions
- evidence
- prosecutorial misconduct

### PRACTICE AREAS

- criminal procedure
- evidence
- appellate procedure
- jury instructions

## QUESTIONS PRESENTED

1. Whether the circuit court erred by admitting Officer Kamaka's identification testimony without an HRE Rule 104 hearing or by admitting related testimony under HRE Rule 403.
2. Whether the circuit court erred by refusing to give an eyewitness jury instruction when Officer Kamaka identified Ahina from surveillance video.
3. Whether the State committed prosecutorial misconduct during closing argument.

## HOLDINGS

1. The court did not address Ahina's challenge because the brief did not show that a request for an HRE Rule 104 hearing or the asserted HRE Rule 403 objections were made, denied, and preserved for appellate review.
2. The circuit court did not err by refusing to give an eyewitness jury instruction because Officer Kamaka was not an eyewitness to the offenses; he identified Ahina from surveillance videos after the incidents.
3. Ahina's prosecutorial-misconduct claim was waived because he offered only conclusory assertions and no argument or analysis explaining how the challenged statements violated the cited authorities.

## KEY QUOTATIONS

*“Ahina's argument lacks merit because Officer Kamaka was not an eyewitness, where he was not at the scene of the offense and testified to identifying Ahina from surveillance videos shortly after the November incident occurred.”* (at 5)

*“For the foregoing reasons, we affirm the June 1, 2023 Judgment entered by the Circuit Court of the Second Circuit.”* (at 7)

## FACTUAL BACKGROUND

Three incidents occurred at Stillwell's Bakery in Wailuku, Maui, on October 28, November 9, and December 25, 2019, involving a person throwing rocks at the bakery windows. Surveillance videos captured the incidents and were admitted at trial. Officer Zachary Kamaka, who had not witnessed the offenses, identified Ahina from the surveillance videos based on his prior familiarity with Ahina and physical characteristics. Ahina was arrested after voluntarily going to the police station, and the window breaking stopped thereafter.

## PROCEDURAL HISTORY

The Circuit Court of the Second Circuit entered the amended judgment on June 1, 2023. Ahina appealed, challenging the admission of identification testimony, the refusal to give an eyewitness jury instruction, and alleged prosecutorial misconduct during closing argument. The Intermediate Court of Appeals affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Marvin v. Pflueger, 127 Hawai‘i 490, 496, 280 P.3d 88, 94 (2012)
- State v. Sanchez, 82 Hawai‘i 517, 923 P.2d 934 (App. 1996)
- State v. Marsh, 68 Haw. 659, 728 P.2d 1301 (1986)
- State v. Basham, 132 Hawai‘i 97, 319 P.3d 1105 (2014)
- Haw. Ventures, LLC v. Otaka, Inc., 114 Hawai‘i 438, 480, 164 P.3d 696, 738 (2007)

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