

BAIL

\$ No Bail

Hon. Thomas Haia

District Judge

ORIGINAL

HPD NO. 21390960-001

JDPC. NO. _____

Electronically Filed

FIRST CIRCUIT

1FFC-21-0000832

12-NOV-2021

09:10 AM

Dkt. 1 CMP

Family Court of the First Circuit

STATE OF HAWAII

COMPLAINT

Detective Alan Oku

, first being duly sworn says:

On or about August 18, 2021 to and including September 13, 2021, in the City and County of Honolulu, State of Hawaii, LEHUA KALUA, being the parent or guardian or any other person having legal or physical custody of I.P.K. (2014), also known as A.P.S. (2014), did intentionally or knowingly cause the death of I.P.K. (2014), also known as A.P.S. (2014), a person less than eighteen years of age, by intentionally or knowingly inflicting injury on her, and/or by intentionally or knowingly omitting to perform a duty imposed by law, to wit, LEHUA KALUA, while at the scene of a crime, and knowing that I.P.K. (2014), also known as A.P.S. (2014), the subject of the crime was suffering from serious physical harm, did intentionally or knowingly fail to obtain or attempt to obtain aid from law enforcement or medical personnel though LEHUA KALUA, could have done so without danger or peril to any person, thereby committing the offense of Murder in the Second Degree, in violation of Sections 707-701.5, 706-656, 702-203, and 663-1.6 of the Hawaii Revised Statutes.

LEHUA KALUA, is subject to sentencing in accordance with Section 706-660.2 of the Hawaii Revised Statutes where, in the course of committing or attempting to commit a felony, she caused the death or inflicted serious or substantial bodily injury upon I.P.K. (2014), also known as A.P.S. (2014), who was eight years of age or younger, and such disability was known or reasonably should have been known to LEHUA KALUA.

If convicted of this offense or any included felony offense, LEHUA KALUA, may be subject to sentencing in accordance with Section 706-661 and Section 706-662 (5) of the Hawaii Revised Statutes where she is an offender against a minor eight years of age or younger in that LEHUA KALUA, attempted or committed murder and in the course of committing or attempting to commit the crime, inflicted serious or substantial bodily injury upon I.P.K. (2014), also known as A.P.S. (2014), a person who had status of being eight years of age or younger and the status of I.P.K. (2014), also known as A.P.S. (2014), was known or reasonably should have been known to LEHUA KALUA, and an extended term of imprisonment is necessary for the protection of the public.

Subscribed and sworn to before me this 9th day
of November, A.D. 2021
Tiffany L. H. Kao
Deputy Prosecuting Attorney
City and County of Honolulu

Detective Alan Oku

Address c/o HPD 801 S. Beretania St.

WARRANT OF ARREST

The State of Hawaii:

To the Sheriff of the State of Hawaii, or his Deputy; or the Chief of the Honolulu Police Department, or his Deputy; or any Police Officer in the First Circuit, State of Hawaii:

YOU ARE HEREBY COMMANDED on the information of Detective Alan Oku,
whose affidavit is attached hereto and made a part thereof

verified by oath, forthwith to arrest and take the body LEHUA KALUA

accused of violating Murder in the Second Degree in violation of 707-701.5, 706-656, 702-203, and 663-1.6 of the Hawaii Revised Statutes.
as in the above complaint more fully set forth, if she he can be found, and forthwith have her
body before said District Judge of the First Circuit, at his Court Room in said First Circuit, or at 8:30 a.m. of the next
secular day following the date of service.

And you are also commanded, having arrested the said _____

to summon as witness of accusation _____

Witness the hand of the said Judge this 9th day of November, 2021.

Unless authorized in writing, this warrant may not
Be executed between the hours of 10:00 p.m. and
7:00 a.m. on premises not open to the public.



Thomas A.K. Haia

Judge of the Above Entitled Court
State of Hawaii

Executed the within warrant on the person of

Lehua Kalua

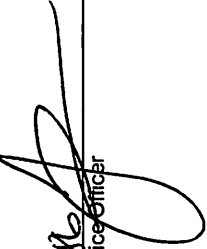
102986

named therein, this 10th day of November

A.D. 2021

K. WOLFA/102986

Police Officer



District Court of the First Circuit

State of Hawaii

THE STATE OF HAWAII

vs.

WARRANT OF ARREST

RECEIVED AND FILED

_____, A.D. _____

at _____ M.

Clerk, District Court of the First Circuit

102986

STATE OF HAWAII

STATE OF HAWAII)
) S.S. 2021 - _____
CITY AND COUNTY OF HONOLULU)

On September 13, 2021, Affiant was assigned to further investigate a Missing Persons Case that was later re-classified to a Murder in the Second degree case and that was documented under key HPD report number 21390960-001 that allegedly

occurred at 41-610 Puha Street, in Honolulu, Hawaii;

Based on the review of the HPD report, interviews, and follow-up investigation, which resulted in the identification of the suspect in this case, this investigation has revealed the following information:

1. On September 13, 2021, at about 6:25 a.m., HPD Officer Joel Patterson (hereinafter "Officer Patterson") was sent to 41-610 Puha Street, Waimanalo, Hawaii on report of a missing person.
2. Upon his arrival at the scene, Officer Patterson met with Lehua Kalua (hereinafter "Lehua") who identified herself as the adoptive mother of the missing person, I.P.K. (2014) also known as A.P.S. (2014) (hereinafter "I.P.K."), a six-year-old female minor born in 2014.
3. Lehua informed Officer Patterson that she had last seen I.P.K. at approximately 9:00 p.m. on September 12, 2021, when I.P.K. went to bed in her own room. When Lehua awoke on September 13, 2021, she noticed that the side door of the house was ajar, and when she went to check I.P.K.'s room she found that I.P.K. was missing.
4. Lehua described I.P.K. as being 3'3" tall, weighing approximately 46 pounds, and stated that she was last seen wearing a black hoodie, black leggings, multi-colored socks, and black Nike brand "slides" with pink soles.
5. Lehua further related that in the past, I.P.K. would go out to the garage unnoticed and sometimes fall asleep there.
6. Per Lehua, I.P.K. would also open the house windows, purportedly to talk to someone outside, but that no persons were observed talking to her. On

occasion, I.P.K. would leave doors unlocked, which Lehua explained to her was dangerous.

7. Lehua informed Officer Patterson that their door sensor was activated at approximately 1:30 am on September 13, 2021.
8. Lehua stated that they have a camera system installed, but that it constantly crashes and “goes on and off.”
9. Responding HPD officers, along with I.P.K.’s family members and members of the general public, checked the area surrounding the house and numerous locations in the Waimanalo area, but were unable to locate the missing child.
10. Lehua identified I.P.K.’s biological parents as Melanie Joseph (hereinafter “Joseph”), and Adam Sellers (hereinafter “Sellers”), who, to her knowledge, were homeless and living in the Waimanalo area.
11. Lehua and her husband Isaac Kalua, III, also known as Sonny, (hereinafter “Isaac”) adopted three of the biological children of Joseph and Sellers including I.M.K. (2009), I.P.K., I.L.K. (2018). They are also the foster parents of A.J. (2020), who is another biological child of Joseph and Sellers.
12. Pursuant to a search warrant approved and signed by the Honorable Karin L. Holma, and documented as S.W. No. 2021-496, Affiant received records from the State of Hawaii Child Welfare Services (hereinafter “CWS”). The records indicated that I.M.K. and I.P.K. began residing with Lehua and Isaac in February 2019.
13. The CWS records also included an Adoption Decree filed on February 11, 2021. The Adoption Decree indicated that the decree was effective January 26, 2021.

14. On September 13, 2021, HPD officers located I.P.K.'s biological mother, Joseph, who indicated that she had no knowledge of I.P.K.'s whereabouts. Joseph related that Sellers was currently residing at a residential treatment facility, which was later confirmed by Detective Michael Garcia. Both Joseph and Sellers denied any involvement in the disappearance of I.P.K.
15. On September 13, 2021, at approximately 3:38 pm, Detective Ryan Kaio (hereinafter "Detective Kaio") conducted a recorded interview with Lehua, who provided background of their family and recounted the events that led up to I.P.K.'s disappearance.
16. Lehua provided the following information to Detective Kaio regarding the events of September 12, 2021 and September 13, 2021:
 - a. On the evening of September 12, 2021, they ate dinner together, after which the girls played for a while;
 - b. They went "riding" to get out of the house, but did not stop anywhere;
 - c. I.P.K. seemed "fine" with "no issues" and "no tantrums," and went to bed at approximately 9:00 p.m., wearing a hoodie and leggings, which she normally wore to sleep;
 - d. Lehua went to her room at about the same time, but returned to I.P.K.'s room approximately twenty minutes later and saw that I.P.K. was asleep;
 - e. Lehua woke up between 5:50 a.m. and 6:00 a.m. on September 13, 2021, and discovered that the side door of the house was closed but unlocked;
 - f. She then went to I.P.K. and I.M.K.'s shared room, where she observed that I.M.K. was asleep in her bed, but I.P.K. was not there;

- g. Lehua woke I.M.K. up and asked her where her sister was, but I.M.K. stated that she did not know;
 - h. Lehua further stated that I.M.K. is a heavy sleeper;
 - i. They then searched both the interior and exterior of the house, but were unable to locate I.P.K.;
 - j. Isaac then left with the kids to drive around the area while Lehua called the police;
 - k. Lehua further stated that a neighbor stated that she saw a silver car leaving the driveway at about 1:00 a.m., but that the neighbor thought it was a family member of the Kaluas;
 - l. Lehua stated that lately, I.P.K. has been going outside of the house every day or every other day and that she would say that she's waiting for her mom to come and get her;
17. On September 20, 2021 at about 2:04 p.m., your Affiant conducted a recorded interview with Isaac who was read his Constitutional Rights, in the presence of his attorney, William Harrison, after which he agreed to waive his rights and provide a statement. Isaac related the following information:
- a. He could not recall exact times or details, but remembered that on September 12, 2021, Lehua took I.M.K. and I.L.K. out in their Lexus, while he stayed home with I.P.K. and A.J.;
 - b. Lehua returned in the afternoon with the two girls and they ate dinner sometime before 6:00 p.m.;
 - c. He did not recall anyone in the family leaving the house that evening;

- d. He last saw I.P.K. at approximately 7:00 pm in the kitchen with Lehua;
 - e. He went to bed sometime between 8:00 p.m. and 8:30 p.m. and did not wake up until about 6:30 a.m. on September 13, 2021, when he heard Lehua screaming that I.P.K. was missing;
 - f. After checking around the house for I.P.K., he left in their Lexus to drive around the area while Lehua contacted the police;
 - g. Isaac stated that he went to work on August 19, 2021. He was scheduled to be off on August 20, 2021. On August 21, 2021, he woke up feeling ill and went to an emergency room for treatment. He was seen for possible COVID symptoms;
 - h. Isaac further stated that he took vacation from work for approximately two weeks from August 21, 2021 to September 7, 2021 as a result of the doctor visit.
18. Isaac denied any involvement in the disappearance of I.P.K.
19. On September 13, 2021, video surveillance was recovered from the Kalua residence. I.P.K. was last seen on the surveillance cameras on August 18, 2021.
20. On November 5, 2021 at about 1:30 p.m. Detective Shayne Iwamoto (hereinafter "Detective Iwamoto") conducted a recorded interview with I.M.K. I.M.K. related the following information:
- a. That she was asked to keep a secret by Lehua and Isaac regarding what happened to I.P.K.;
 - b. I.M.K. stated that the secret was that I.P.K. was in the bathroom in a dog cage, duct tape on her mouth and nose, and she didn't wake up. I.M.K.

further stated that she, the two smaller children, Isaac and Lehua were sleeping when they got up at 3:32 a.m. Lehua and I.M.K. went to check on I.P.K. in the bathroom and I.P.K. "didn't wake up." I.M.K. then was told to go back to sleep and Isaac and Lehua stayed up. She does not know where they put I.P.K. the next morning;

- c. I.M.K. also stated that she was asked to keep that secret around two months ago and that she knows I.P.K. is dead because she was there. I.M.K. stated she was there because her parents woke her up;
- d. After being woken up she went into the bathroom and saw that I.P.K. had duct tape on her nose and mouth, and was not breathing. Lehua then filled the bathtub with water and put I.P.K. in it to see if she would wake up, but it did not work. I.M.K. then had to help carry I.P.K. to their bedroom;
- e. With regards to the bathtub I.M.K. explained that they took I.P.K. out of the cage and put I.P.K. in the bathtub but she still did not wake up;
- f. According to I.M.K., Lehua woke up first and then woke up Isaac. At the time I.M.K., Lehua, Isaac, I.L.K. and A.J. were the only ones at home;
- g. According to I.M.K., after Lehua filled the bathtub and I.P.K. would not wake up, Lehua then drained the bathtub and a few days later Isaac went to Kaiser to "pretend that he was COVID";
- h. I.M.K. stated that she knew Isaac was pretending because she knows that he took off work to "help mom." When asked why Isaac would need to help mom, I.M.K. stated "to get rid of the stuff...evidence";

- i. I.M.K. stated that when Lehua bought the dog cage via the internet, she was there. The family did not have a dog at the time;
 - j. I.M.K. stated that Lehua bought the dog cage because I.P.K. would sneak around at night and want to eat because she was hungry. I.M.K. stated I.P.K. would be hungry because Lehua would not feed her. I.M.K. tried to sneak food to I.P.K. on occasions but Lehua would catch them and become upset. So, Lehua bought the cage to keep I.P.K. inside of it at night;
 - k. Lehua put duct tape on I.P.K. "plenty of times" because I.P.K. would sneak around and eat. I.M.K. stated that she believes the duct tape came from Isaac's job and that Isaac had seen both I.M.K. and I.P.K. tied up with duct tape on other occasions and did nothing.
21. A check of 911 calling systems showed that there was no call made to 911 dispatch from the time period of August 1, 2021 to September 12, 2021 from either Lehua or Isaac regarding an emergency at their home;
22. Pursuant to search warrants approved and signed by the Honorable Karin L. Holma on October 15, 2021, your Affiant received medical records from the following health centers: Waimanalo Health Center (S.W. No. 2021-499), Shriner's Hospital (S.W. No. 2021-498), and Adventist Health (S.W. No. 2021-497) also known as "Castle." The records included the time period from February 2019 to September 13, 2021. None of the records received by Affiant included any visits by I.P.K., to either the Emergency Rooms or their respective


health centers during the time period between August 1, 2021 and September 13, 2021.

23. Surveillance video recovered from the residence on September 13, 2021 showed other members of the family, including Lehua, Isaac, I.M.K., I.L.K, and A.J. about the residence at various time after August 18, 2021 to and including September 13, 2021.
24. The above-referenced events occurred in the City and County of Honolulu, State of Hawaii.

Based on the facts and circumstances and positive identification of Lehua Kalua, probable cause exists for the arrest of Lehua Kalua, for Murder in the Second Degree.


WHEREFORE, your affiant respectfully requests that based upon the facts and circumstances contained in this affidavit, a warrant of arrest be issued for said Lehua Kalua, for the charge of Murder in the Second Degree; that said Lehua Kalua be brought forthwith before this Judge or detained subject to the order of this court or any other court in which the offense to which Lehua Kalua is triable for violations of Sections 707-701.5, 706-656, 702-203, and 663-1.6 of the Hawaii Revised Statutes;

FURTHER AFFIANT SAYETH NAUGHT.



Detective Alan Oku
Honolulu Police Department

Subscribed and sworn to before me
this 9th day of November, 2021,
at 4:50 a.m. (p.m)



Thomas A.K. Haia
JUDGE
DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION