

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
STATE OF HAWAII

COPY FILED
APR 20 2023
A.D. 20
S. WALKER *SW* 8:31 AM
Clerk, District Court of the First Circuit

IN THE MATTER OF AN APPLICATION)
FOR JUDICIAL DETERMINATION OF)
PROBABLE CAUSE FOR THE EXTENDED)
RESTRAINT OF LIBERTY OF)
WARRANTLESS ARRESTEE:)
JACOB ATONIO BORGE)
_____)

CASE NO. _____ OF _____
HPD REPORT NO(S): 23-141865-001
JUDICIAL DETERMINATION OF PROBABLE
CAUSE FOR THE EXTENDED RESTRAINT OF
LIBERTY OF WARRANTLESS ARRESTEE;
DECLARATION IN SUPPORT OF WARRANTLESS
ARREST

JUDICIAL DETERMINATION OF PROBABLE CAUSE FOR THE
EXTENDED RESTRAINT OF LIBERTY OF WARRANTLESS ARRESTEE

Proof having been made before me by BENJAMIN CLARKE of the
Honolulu Police Department through the submission of a declaration, which is attached hereto, that there
is reason to believe that sufficient probable cause exists for the extended restraint of liberty of
Arrestee: JACOB ATONIO BORGE, for the offense(s) of
MURDER IN THE FIRST DEGREE - ADDON MULTIPLE VICTIMS

in violation of Section(s) 707-0701 of the Hawaii Revised Statutes.

Therefore, I am satisfied that there are sufficient facts and circumstances establishing probable
cause for the warrantless arrest of Arrestee: JACOB ATONIO BORGE
on April 18, 2023, at 9:34 p.m., at 801 South Beretania Street, City
and County of Honolulu, State of Hawaii, for the above-mentioned offense, and that grounds establishing
probable cause for the extended restraint of liberty of the above-named warrantless arrestee exist.

GIVEN UNDER MY HAND, and DATED: APR 19 2023
at 8:14 a.m. p.m., City and County of Honolulu, State of Hawaii.

1DCW-23-0001271 HN3-1200006422-206
State v. Jacob Borge 13 Pages
State of Hawaii 04/20/2023 08:31 AM
Honolulu DC Legal Documents JDPC


JUDGE TIMOTHY E. HO
STATE OF HAWAII

IN THE DISTRICT COURT OF THE FIRST CIRCUIT

HONOLULU DIVISION

STATE OF HAWAII

IN THE MATTER OF AN APPLICATION)
FOR JUDICIAL DETERMINATION OF)
PROBABLE CAUSE FOR THE EXTENDED)
RESTRAINT OF LIBERTY OF)
WARRANTLESS ARRESTEE:)
JACOB ATONIO BORGE)
_____)
_____)

CASE NO. _____ OF _____

DECLARATION IN SUPPORT OF WARRANTLESS ARREST

DECLARATION IN SUPPORT OF WARRANTLESS ARREST

1. I, BENJAMIN CLARKE, am a police officer employed by the Honolulu Police Department.

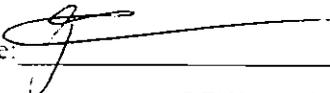
2. Declarant has reason to believe that there is probable cause for his/her warrantless arrest and detention of JACOB ATONIO BORGE for the offense(s) of MURDER IN THE FIRST DEGREE - ADDON MULTIPLE VICTIMS

_____ in violation of Section(s) 707-0701 of the Hawaii Revised Statutes.

3. The facts and circumstances establishing probable cause for the arrest are contained in the attachment, which is attached hereto and is true and correct to the best of Declarant's knowledge.

I, BENJAMIN CLARKE, declare under penalty of law that the foregoing is true and correct to the best of my knowledge and belief.

Dated: April 19, 2023

Signature: 
Print/Type: BENJAMIN CLARKE
City and County of Honolulu

ATTACHMENT TO
DECLARATION IN SUPPORT OF WARRANTLESS ARREST

Declarant incorporated this attachment to the Declaration in Support of Warrantless Arrest for the Judicial Determination of Probable Cause for the Extended Restraint of Liberty of Warrantless Arrestee to provide further facts and circumstances by your declarant.

That pursuant to the investigation, declarant ascertained:

1. A cockfight is an organized fight between two roosters held in a ring called a cock pit. Wagers are often placed on the birds during these matches. In Hawaii, cockfighting is commonly known and referred to as "Chicken Fighting".
2. The rear lot of 87-131 Kaukamana Road is an open dirt lot (hereinafter "scene"), about an acre in size, where illegal "chicken fight" events are commonly held at.
3. On Saturday, April 15, 2023, at about 12:11 a.m., HPD Officers of District 8 were sent via dispatch to the rear area of 87-131 Kaukamana Road on a report of shots that were fired at a chicken fight event.
4. Upon arrival of responding officers, vehicles and attendees were observed leaving the scene in a hurried manner. Attendees of the chicken fight event informed Officers that multiple people were shot. Information was also obtained that victims of the gunshots were being transported to the Waianae Coast Comprehensive Center (hereinafter "Waianae Comp") via private vehicles for their injuries.
5. For safety reasons, HPD Officers conducted a safety search of the scene and discovered spent casings on the ground and multiple pools of blood. The scene was secured for investigative purposes.
6. HPD Officers responded to the Waianae Comp where it was discovered that five (5) victims sustained gunshot wounds.
7. Victim #1, Cathy Rabellizsa-Manners (hereinafter "Cathy") was treated by the emergency staff of the Waianae Comp for a single gunshot wound to the head.
8. Victim #2, Gary Rabellizsa (hereinafter "Gary") was treated by the emergency staff of the Waianae Comp for a multiple gunshot wounds to his hand and torso area.
9. Victim #3, Kirk Hayghe (hereinafter "Hayghe") was treated by the emergency staff of the Waianae Comp for a single gunshot wound to his right arm. Hayghe was later released in good condition.

10. Victim #4, Randall Medeiros (hereinafter "Medeiros") was treated by the emergency staff of the Waianae Comp for a single gunshot wound to his right arm. Medeiros was later transported to The Queen's Hospital in good condition for surgery.
11. Victim #5, Glenn Miyose (hereinafter "Miyose") was treated by emergency staff for a single gunshot wound to his left inner thigh. Miyose was later released in good condition.
12. On Saturday, April 15, 2023, at about 12:28 a.m., Gary succumbed to his injuries and a pronouncement of death for victim #2, Gary, was made by Doctor Paul Strait.
13. On Saturday, April 15, 2023, at about 12:43 a.m., Cathy succumbed to her injuries and a pronouncement of death for victim #1, Cathy, was made by Doctor Paul Strait.
14. On Saturday, April 15, 2023, at about 2:48 a.m., Detective Justin Higa (hereinafter "Detective Higa") and Detective Blake Davidson (hereinafter "Detective Davidson") interviewed Miyose at the Waianae Comp. Miyose stated the following:
 - a. At about 12:00 a.m., as the chicken fight ended, three (3) young males, who are sons of a person named "Fat Matt" were involved in an argument with about six (6) male affiliates of a male named Eddie Caspino (hereinafter "Caspino").
 - b. Caspino is a well-known organizer of chicken fights in the Waianae area.
 - c. The argument turned into the two (2) groups engaging into a physical fight.
 - d. Gary, Kirk, and Randall was not involved in the group but only attempted to stop the fight.
 - e. Miyose then heard multiple gunshots.
 - f. Miyose did not observe the shooter but believes that there might be only one (1) shooter.
 - g. Miyose did not see the person(s) who shot.
 - h. Miyose sustained a gunshot wound to his left inner thigh.
15. On Saturday, April 15, 2023, at about 3:35 a.m., Detective Higa and Detective Davidson interviewed the husband of Cathy, Stanley Rabellizsa (hereinafter "Stanley Sr.") at the Waianae Comp. Stanley Sr. stated the following:
 - a. Stanley Sr. and his wife, Cathy, went to the chicken fight located at the scene.
 - b. Prior to the end of the chicken fight, at about 12:00 a.m., he accompanied Cathy to the bathroom where a group of about ten (10) people began to fight with one another.
 - c. As the fight continued, Stanley Sr. heard what appeared to be about six (6) gunshots.

- e. The second suspect shooter was described as a local male, about 20's, short in stature.
 - f. Stanley Sr. would be able to identify the males if seen again.
16. On Saturday, April 15, 2023, at about 3:55 a.m., Detective Higa interviewed Hayghe at the Waianae Comp. Hayghe stated the following:
- a. Hayghe arrived at the chicken fight at about 6:30 p.m.
 - b. There were about two-hundred (200) people at the chicken fight.
 - c. A group of people about maybe five (5) people got into a physical fight.
 - d. Hayghe attempted to stop and break-up the fight.
 - e. As the fight occurred, he heard about five (5) multiple gunshots and he then discovered that he sustained a gunshot wound to his right arm.
 - f. Hayghe was transported to the Waianae Comp by his wife.
 - g. Hayghe was unable to describe the people involved in the fight and did not see the person who shot him.
17. The incident was documented as a Murder in the First Degree (hereinafter "Murder 1st") case under HPD report number 23-141865-001.
18. On Saturday, April 15, 2023, Evidence Specialist Doryn Matsuda (hereinafter "Evidence Specialist Matsuda") responded to and processed the scene. Seven (7) brass colored cartridge casings, 9mm type, were recovered and submitted into evidence as items #25-31. A metal fragment, copper colored with a lead head was recovered and submitted into evidence as item #50.
19. On Saturday, April 15, 2023, at about 9:00 a.m., Medical Examiner Doctor Steven White (hereinafter "Dr. White") performed the post mortem examination of victim #1, Cathy, at the Honolulu Medical Examiner's Office (hereinafter "Medical Examiner's Office"). After a complete examination, Dr. White determined the Cause of Death as "Gunshot wound to face" and the Manner of Death was "Homicide".
20. On Saturday, April 15, 2023, at about 9:00 a.m., Medical Examiner Dr. White performed the post mortem examination of victim #2, Gary, at the Medical Examiner's Office. After a complete examination, Dr. White determined the Cause of Death as "Multiple gunshot wounds" and the Manner of Death was "Homicide".
21. On Saturday, April 15, 2023, while present at the Medical Examiner's Office during the post mortem examination of Gary, Evidence Specialist Christela Young (hereinafter "Evidence Specialist Young") recovered one (1) metal fragment, copper colored with a lead head from Gary and was submitted into evidence as item #50.

22. On Saturday, April 15, 2023, Detective Higa submitted a work request to the HPD Scientific Investigation Section (hereinafter "SIS") and requested to have items #25-32 and item #50 to determine if it was fired from a gun and what type of gun.
23. On Saturday, April 15, 2023, at about 7:39 p.m., Detective Higa and Detective Davidson interviewed Medeiros at The Queen's Hospital. Medeiros stated the following:
- a. Medeiros arrived at the chicken fight at about 8:30 p.m.
 - b. There were about one-hundred (100) people at the chicken fight.
 - c. A group of about ten (10) people got into a physical fight.
 - d. Medeiros observed two (2) people who was being administered CPR.
 - e. As the fight occurred, he heard about five (5) or six (6) gunshots and he then discovered that he sustained a gunshot wound to his right bicep.
 - f. Medeiros saw a person holding a handgun and began to shoot at the crowd where the muzzle flash was observed.
 - g. Medeiros was transported to the Waianae Comp by his son.
 - h. Medeiros did not know why the fight occurred.
 - i. Medeiros observed the silhouette of the person with the handgun where the person was described as about 5'9" in height.
 - j. Medeiros did not see the person who shot him.
 - k. Medeiros felt that he was not targeted but was in the wrong place at the wrong time.
24. On Sunday, April 16, 2023, at about 8:00 a.m., son of Stanley Sr., Stanley Rabellizsa (hereinafter "Stanley Jr.") received information from the community that the person who used a gun and shot at the victims at the scene was a person by the name of Shaedan-Styles. Stanley Jr. received a photograph from the community of a social media photograph of a person with the account name, "Shaedanstyles". The photograph depicted a male posing next to a boar. Stanley presented the photograph to Stanley Sr. where he positively identified the male in the still photograph as the person who had a handgun in his hand and shot at the direction of Cathy and him, at the scene.
25. Detective Higa conducted checks of the HPD Case Reporting Database System for a male with the name of Shae-dan Styles. Results of the checks showed a juvenile male with the name of "SSMK", sixteen (16) years of age, bearing an address in Waianae.
26. On Tuesday, April 18, 2022, Criminalist II Charmaine Higashi (hereinafter "Criminalist Higashi") examined Item #25-32 and item #50 and determined that items #25-31 were identified as having been discharged from the same firearm. Item #32 had no value for cartridge case mouth comparisons. Item #50 was determined not to be a metal fragment.

27. On Monday, April 17, 2023, at about 10:07 a.m., nephew of Stanley Sr., Treston Rabellizsa (hereinafter "Treston"), received information from the community that the second person that shot a firearm at the scene was a person who was only known as "Hot Boi Jake". Treston received three (3) photograph from a social media post where it depicted a young male. Treston presented the photographs to Stanley Sr. where he positively identified the male in the still photographs as the person who had a handgun in his hand and shot at Gary, at the scene.
28. Detective Higa inquired with the Officers of the District 8 Crime Reduction Unit (hereinafter "District 8 CRU") where it was related that based on their knowledge of persons in the Waianae area, "Hot Boi Jake" was known as Jacob A. Borge (hereinafter "Borge").
29. On Monday, April 17, 2023, a sequential photographic line-up utilizing a photograph of Borge obtained from his Hawaii Driver's License was constructed.
30. On Monday, April 17, 2023, at about 8:34 p.m., Detective Higa and Detective Davidson conducted a clarification interview with Stanley Sr. at the Waianae Police Station. Stanley Sr. stated the following:
 - a. On Saturday, April 15, 2023, after midnight, while at the scene, an argument between parties ensued which turned into a physical altercation.
 - b. Stanley Sr. and Gary attempted to break-up the fight where male #1 attacked Gary.
 - c. To defend himself, Gary punched male #1 where male #1 fell to the ground.
 - d. A second male, male #2, then attacked Gary.
 - e. To defend himself, Gary punched male #2 where male #2 fell to the ground.
 - f. Two (2) other males, then began to attack Gary.
 - g. As male #1 got back to his feet, he pointed a handgun at him and Cathy and shot about five (5) to six (6) times.
 - h. As male #2 got back to his feet, with a dark colored handgun in both hands, male #2 shot multiple gun shots at Gary.
31. On Monday, April 17, 2023, at about 9:02 p.m., Acting Detective Enoka Lucas (hereinafter Acting Detective Lucas") met with Stanley Sr. at the Waianae Police Station and administered a sequential photographic line-up that included a photograph of Borge along with five (5) other similar looking males. Stanley Sr. positively identified Borge as the person who had two (2) handguns in his possession at the scene and shot at Gary.

32. On Monday, April 17, 2023, at about 9:25 p.m., Detective Higa and Detective Davidson met with Treston at the Waianae Police Station. The photograph obtained via social media which was provided to Stanley Jr. was presented to Treston where he identified the male in the photograph as a person that he knows as SSMK. Treston related that SSMK was related to his family and is a long lost cousin who he has seen about six (6) times in person within the year. While attending a past chicken fight, he was approached by SSMK who informed him that they were related.

33. On Monday, April 17, 2023, Detective Higa informed the District 8 CRU of the facts and circumstances of this case and were instructed to locate and arrest SSMK for the following offenses:

Attempted Murder in the First Degree	H.R.S. 707-701	23-141865-001
Murder in the Second Degree	H.R.S. 707-701.5	23-141865-002
Attempted Murder in the Second Degree	H.R.S. 707-701.5	23-141865-004
Attempted Murder in the Second Degree	H.R.S. 707-701.5	23-141865-005
Attempted Murder in the Second Degree	H.R.S. 707-701.5	23-141865-006
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-007
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-008
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-009
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-010
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-011
Place to Keep Pistol or Revolver	H.R.S. 134-0025	23-141865-017

34. On Monday, April 17, 2023, Detective Higa informed the District 8 CRU of the facts and circumstances of this case and were instructed to locate and arrest Borge for the following offenses:

Attempted Murder in the First Degree	H.R.S. 707-701	23-141865-001
Murder in the Second Degree	H.R.S. 707-701.5	23-141865-003
Attempted Murder in the Second Degree	H.R.S. 707-701.5	23-141865-004
Attempted Murder in the Second Degree	H.R.S. 707-701.5	23-141865-005
Attempted Murder in the Second Degree	H.R.S. 707-701.5	23-141865-006
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-012
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-013
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-014
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-015
Carrying or Use of Firearm in the Commission of Separate Felony	H.R.S. 134-0021	23-141865-016
Place to Keep Pistol or Revolver	H.R.S. 134-0025	23-141865-018

35. On Tuesday, April 17, 2023, at about 9:34 p.m., while at the HPD Main Station located at 801 South Beretania Street, Officer Vaughn Agonoy placed SSMK under arrest for the aforementioned offenses without incident.

36. On Tuesday, April 17, 2023, at about 9:34 p.m., while at the HPD Main Station located at 801 South Beretania Street, Officer Benjamin Clarke placed Borge under arrest for the aforementioned offenses without incident.

37. That the above occurred within the City and County of Honolulu, State of Hawaii.

ATTACHMENT I

1. That on 4-18-23, your affiant, Benjamin Clarke, was employed with the Honolulu Police Department and assigned to the District 8 Crime Reduction Unit (hereinafter "CRU");
2. That on 4-17-23, Detective Justin Higa (hereinafter "Detective Higa") requested the assistance of the CRU in the location and apprehension of a Jacob Borge (hereinafter "Borge"), for the following offenses:

Attempted Murder in the First Degree
H.R.S. 707-701 / 23-141865-001

Murder in the Second Degree
H.R.S. 707-701.5 / 23-141865-003

Attempted Murder in the Second Degree
H.R.S. 707-701.5 / 23-141865-004

Attempted Murder in the Second Degree
H.R.S. 707-701.5 / 23-141865-005

Attempted Murder in the Second Degree
H.R.S. 707-701.5 / 23-141865-006

Carrying or Use of Firearm in the Commission of Separate Felony
H.R.S. 134-0021 / 23-141865-012

Carrying or Use of Firearm in the Commission of Separate Felony
H.R.S. 134-0021 / 23-141865-013

Carrying or Use of Firearm in the Commission of Separate Felony
H.R.S. 134-0021 / 23-141865-014

Carrying or Use of Firearm in the Commission of Separate Felony
H.R.S. 134-0021 / 23-141865-015

Carrying or Use of Firearm in the Commission of Separate Felony
H.R.S. 134-0021 / 23-141865-016

Place to Keep Pistol or Revolver
H.R.S. 134-0025 / 23-141865-018

3. That through Detective Higa's investigation, Borge was identified as a suspect in the above cases;

4. That Detective Higa provided CRU with a copy of the report along with Borge's personal information and photograph;
5. That CRU is familiar with Borge and has prior knowledge that he also goes by the street name "Hot Boi Jake".
6. That on 4-18-23, through an anonymous source, CRU was able to negotiate for Borge to turn himself into CRU at the main police station;
7. That on 4-18-23, at about 9:34 p.m., CRU located Borge fronting 801 S Beretania Street;
8. That Borge was identified verbally and his identity was confirmed via the Criminal Justice Information System "CJIS";
9. That the information Borge provided along with his physical appearance matched the information provided by Detective Borge;
10. That your affiant placed Borge under arrest for the above mentioned offenses.
11. That the arrest was made at 801 S. Beretania Street on 4-18-23, at about 9:34 p.m.
12. That for further facts and circumstances relating to the probable cause of this arrest, refer to the attached addendum provided by Detective Higa for details;
13. That your affiant relied on the facts and details provided by Detective Higa to your affiant to effect the arrest;
14. That the above mentioned incident took place in the City and County of Honolulu, the state of Hawaii.

DEPARTMENT OF THE PROSECUTING ATTORNEY

TO: OAHU INTAKE SERVICE CENTER
CENTRAL INTAKE SECTION

FROM: OFFICE OF THE PROSECUTING ATTORNEY

RE: **BAIL FORM**

APPROVED BY: Judge: Timothy Ho

Amount of Bail: \$ 2,000,000 aggregate

Defendant: Jacob Borge

Offense/Report No.: Attempted Murder 1, Murder 2, Attempted Murder 2, Attempted Murder 2, Attempted Murder 2, Use of Firearm in the Commission of a Separate Felony, Use of Firearm in the Commission of a Separate Felony, Use of Firearm in the Commission of a Separate Felony, Use of Firearm in the Commission of a Separate Felony, Use of Firearm in the Commission of a Separate Felony, Plate to Keep Pistol or Revolver / 23-141865-001, 23-141865-003, 23-141865-004, 23-141865-005, 23-141865-006, 23-141865-012, 23-141865-013, 23-141865-014, 23-141865-015, 23-141865-016, 23-141865-018

Investigator/Officer: Justin Higa

- | | |
|---|---|
| <input type="checkbox"/> Extensive Criminal record | <input type="checkbox"/> Transient |
| <input type="checkbox"/> Probationer | <input checked="" type="checkbox"/> Serious alleged offense(s) |
| <input type="checkbox"/> Parolee | <input type="checkbox"/> Pending felony case(s) |
| <input type="checkbox"/> Career Criminal | <input checked="" type="checkbox"/> Defendant is dangerous to the community |
| <input type="checkbox"/> Major offender | <input checked="" type="checkbox"/> Defendant is dangerous to the victim |
| <input type="checkbox"/> Geographical Restriction | <input type="checkbox"/> Weed and Seed |
| <input type="checkbox"/> W&S Geographical Restriction Requested | <input checked="" type="checkbox"/> High Publicity |

List any pending cases and status and/or comments:

No priors.

On April 14, 2023, a chicken fight event at 87-0108 Kaukana Road in Maili was held with roughly 100 plus people in attendance. On April 15, 2023, just after midnight, a fight broke out in the parking lot after the chicken fight concluded. Complainant #1, her husband (Stanley Sr.),

and complainant #2 observed the fighting going on and tried to stop it. Suspect #1 attacked complainant 2. To defend himself, Gary punched suspect #1 where suspect #1 fell to the ground. A second male, suspect #2, then attacked Gary. To defend himself, Gary punched suspect #2 where suspect #2 fell to the ground. Two (2) other males, then began to attack Gary. As suspect #1 got back to his feet, he pointed a handgun at him and Cathy and shot about five (5) to six (6) times. As suspect #2 got back to his feet, with a dark colored handgun in both hands, suspect #2 shot multiple gun shots at Gary. Three other persons were struck by bullets and suffered gunshot wounds.

Complainant #1's husband made positive ID that suspect #1 shot complainant #1 and suspect #2 (Defendant Borge) shot complainant #2. Both suspects shot at the three individuals who suffered from gunshot wounds.

Complainants #1 and #2 were rushed to Waianae Coast Comprehensive Center and were pronounced dead at 0043 hours and 0023 hours respectively. On April 15, 2023, Dr. White performed autopsy on both complainants. Cause of death to complainant #1 was determined to be gunshot wound to the face. Cause of death to complainant #2 was determined to be multiple gunshot wounds.

Date: 4/19/23

Deputy: Anna Ishikawa