

IN THE DISTRICT COURT OF THE FIRST CIRCUIT

HONOLULU DIVISION

STATE OF HAWAII

FILED
DEC 12 2022 A.D., 20
T. Takeuchi 8:30 M
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:)

LIONEL JAMES WINEBUSH)

CASE NO. _____ OF _____

HPD REPORT NO(S): 22467393-001

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 DAVID AUTAHUARAATO KUA'ANA 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: LIONEL JAMES WINEBUSH, for the offense(s) of

MURDER 2

in violation of Section(s) 707-0701.5 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: LIONEL JAMES WINEBUSH,
on DECEMBER 09, 2022, at 1800HOURS, at 1615 WILDER AVENUE UNIT 101, 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: DEC 10 2022,
at 4:21 a.m./p.m., City and County of Honolulu, State of Hawaii.

JUDGE
STATE OF HAWAII

TRACY S. FUKUI, Judge

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:)

CASE NO. _____ OF _____

DECLARATION IN SUPPORT OF WARRANTLESS
ARRESTLIONEL JAMES WINEBUSH

_____DECLARATION IN SUPPORT OF WARRANTLESS ARREST

1. I, DAVID AUTAHUARAATO KUA'ANA, 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 LIONEL JAMES WINEBUSH for the offense(s) of
MURDER 2

in violation of Section(s) 707-0701.5 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, DAVID AUTAHUARAATO KUA'ANA, declare under penalty of law that the
 foregoing is true and correct to the best of my knowledge and belief.

Dated: 12-09-2022

Signature: _____

Print/Type: _____

DAVID AUTAHUARAATO KUA'ANA

City and County of Honolulu

Affidavit

1. On December 6, 2022, your affiant, Detective Yongming "Phil" Huang, was assigned to investigate the Murder 2nd case, documented under Honolulu Police Department (hereinafter "HPD") report 22-467393. Through your affiant's investigation, the following facts were confirmed:
2. On December 6, 2022, at approximately 0200 hours, eleven males gathered in the Tantalus area. Lionel Winebush was one of them. This group (hereinafter "Group W") drove four different vehicles to the Waikiki area to retaliate against another group of males (hereinafter "Group T").
3. Per Witness #1, a member of Group W, he previously had an unreported confrontation with the members of Group T, in which he was chased by Group T members with machetes. He wanted to retaliate against Group T this time.
4. The surveillance videos showed that at approximately 0244 hours, Group W's vehicles arrived at the corner of Kuhio Avenue and Seaside Avenue (hereinafter "Kuhio/Seaside"). They made a left turn from Kuhio to Seaside. The four vehicles were, in the order of arrival, a gray Toyota sedan (hereinafter "Toyota"), a red 4Runner with a silver color hood (hereinafter "4Runner"), a black Chrysler sedan (hereinafter "Chrysler"), and a white Prius (hereinafter "Prius").
5. Members of Group T were observed sitting in the grass area and drinking in front of 2240 Kuhio Avenue, behind a bus stop, at the corner of Kuhio/Seaside. Tony Taki (hereinafter "Taki") was in the group and lying down on the grass.
6. Witness #2 came out of the front passenger door of the Prius, which was parked near the intersection of Seaside/Kuhio. Winebush came out of the left rear passenger door of the Prius. Per Witness #2, he and Winebush were close friends for about three years.

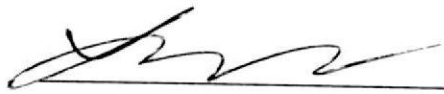
7. Witness #3 observed that Winebush had a knife in his waistband when Winebush lifted his hoodie. Witness #1 saw a sheath fall to the ground from Winebush. Witness #1 told Winebush that no knife should be used when they confronted Group T, and they just came to scrap. Witness #1 also stated that none of the other group members had knives with them.
8. When Group W members regrouped on the sidewalk in front of the McDonald's on Kuhio Avenue. Winebush stayed near the Prius by himself, which was parked on the west side of Seaside avenue near Kuhio intersection.
9. On 12-6-22, at approximately 0304 hours, Group W started attacking Group T, which had about 10 members and still was sitting on the grass and drinking. Upon being attacked without provocation or warning, Group T members started running in all different directions for their safety. Witness #2 charged at Group T from the Kuhio/Seaside side. Witness #4 charged at Group T from Kuhio/Royal Hawaiian side with a baseball bat.
10. The surveillance video showed that Taki got up from the grass and tried to run away for his safety. Taki was wearing a dark color hoodie, a black hat, and jean shorts, and had a light blue color backpack on his back. Taki ran to Seaside Avenue and then turned left from Seaside to Manukai Street.
11. In the separate interviews, Witness #2 and Witness #4 stated that they and Winebush chased after Taki into Manukai Street.
12. Witness #2 and Winebush first caught up with Taki, who stood against Centennial Park's chain fence to defend himself. Witness #4 was running toward them and saw that Witness #2 was punching Taki, and Winebush used his left hand and made a stab

motion at Taki's torso area. Winebush then ran away from Taki and told Witness #4: "he is good now."

13. Taki was able to run again for his safety. Witness #2 and Witness #4 caught up with Taki in the area about 50 feet away from Royal Hawaiian Avenue.
14. Witness #5 was driving on Royal Hawaiian Avenue toward Kuhio Avenue. As he was approaching the intersection of Royal Hawaiian and Manukai Street, he observed Witness #2 and Witness #4 assault Taki, who fell to the ground after being hit by Witness #4 with a bat. Witness #2 grabbed Taki's backpack before Witness #4 and him ran toward Seaside Avenue.
15. At approximately 0325 hours, Witness #5 and Witness #6 returned to Taki, who was face-down on the ground and unresponsive. Witness #6 observed Taki gasp for air once, and then she called 911 to request help.
16. On December 6, 2022, at approximately 0340 hours, Emergency Medical Service took Taki to the Queen's Medical Center Emergency Room for treatment. On December 6, 2022, at about 0407 hours, Taki was pronounced.
17. On December 6, at approximately 0311 hours, all Group W members fled in their vehicles from Waikiki. They stopped at the McCully Shopping Center. Per Witness #2, while they were sitting in the Prius, he saw Winebush in the back seat holding a dagger-type knife, which had a six-inch-length silver-colored blade with a black handle. Witness #2 asked Winebush if he had used the knife. Winebush responded that "I think I stabbed him."
18. At approximately 0316 hours, the Group W left the McCully Shopping Center and went to the Tantalus Lookout, where Witness #4 saw Winebush burn a sheath on the ground.

19. On December 8, 2022, Medical Examiner, Dr. M. Kobayashi, determined that Taki's cause of death was "a stab wound of torso, " and the manner of the death was homicide.
20. On December 9, 2022, at approximately 1545 hours, Witness #4 positively identified Winebush as the murder suspect during a photographic lineup. At approximately 1700 hours, during a separate interview, Witness #2 identified Winebush as the one who stabbed Taki.
21. On December 9, 2022, at approximately 1700 hours, a burnt sheath was recovered at Tantalus lookout.
22. On December 9, 2022, at approximately 1800 hours, Winebush was located and arrested for Murder in the 2nd Degree without incident.
23. The incident occurred within the City and County of Honolulu, State of Hawaii.

Dated: December 9, 2022, Honolulu, Hawaii

A handwritten signature in black ink, appearing to read 'Yongmig Huang', written over a horizontal line.

Detective Yongmig "Phil" Huang

ATTACHMENT TO DECLARATION

Declarant incorporates this attachment to the Declaration in Support of Judicial Determination of Probable Cause for the Extended Restraint of Liberty of Warrantless Arrestee involving arrestee **Lionel WINEBUSH** in order to preserve additional sworn testimony provided to the designated Judge during the presentation and review of said Declaration:

1. Your affiant is a police officer with the Honolulu Police Department (hereinafter "HPD") currently assigned to the District 6, Crime Reduction Unit, (hereinafter "D6 CRU")
2. On December 09, 2022, at about 1550 hours, your affiant was made aware of an arrest packet for a Murder in the Second Degree case, disseminated by Detective Y. HUANG. (Hereinafter Det. HUANG) This male has been identified as Lionel WINEBUSH (hereinafter "WINEBUSH").
3. On December 09, 2022, District 6 CRU assisted with the investigation and apprehension of WINEBUSH. Through checks made, it was discovered that WINEBUSH has a listed address of 1615 Wilder Avenue unit 101.
4. On December 09, 2022, at about 1720 hours, your affiant was familiarizing himself with the residential building (1615 Wilder Avenue) and surrounding areas. It was at this time that your affiant drove past the entrance door and observed three males entering the condominium through a front entrance door. This entrance door faces Spreckles Street.
5. Your affiant was approximately eight feet away from these three individuals. The body type, height, structure and hair style of one of the males matched the physical description of WINEBUSH. Your affiant could not confirm the identity of these males because he could not see their face or facial features.
6. At about 1755 hours, two males exited the front entrance door of 1615 Wilder Avenue. Your affiant recognized these men as the same individuals who walked into the building earlier. One male had a very distinctive hair style. This male was later identified as Toyon FIGUEROA, (hereinafter " FIGUEROA "). The second was identified as Isaac ROAMES.

7. After confirming FIGUEROA's identity, FIGOUEROA made mention of the other occupants of the room. FIGUEROA voluntarily stated that WINEBUSH could be found inside of apartment 101. Officers on scene knocked on the front door. WINEBUSH was located inside and placed under arrest for Murder in the Second Degree, in violation of Hawaii Revised Statutes 707-701.5, documented under report number 22-467393-001.
8. WINEBUSH was identified verbally, and his identity was confirmed via Criminal Justice Inquiry System and Case Report System;
9. The above facts and circumstances occurred within the City and County of Honolulu, in the State of Hawaii.

David KUA'ANA
Police Officer
City and County of Honolulu,
State of Hawaii

Dated: December 09, 2022 Honolulu, Hawaii.



Officer David KUA'ANA