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JUDGE'S INITIALS: ALVIN K. NISHIMURA, Judge

**ORIGINAL**

Bail Amount: \$50,000 aggregate  
Honorable Judge Alvin Nishimura



Rec'd by Judge (name & date):  
ALVIN K. NISHIMURA, Judge NOV 17 2022

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FIRST CIRCUIT  
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII

v.

JOSHUA PUKANA ALOHA KEMP,

Defendant.

CASE NO. \_\_\_\_\_

COUNT 1:

ASSAULT IN THE SECOND DEGREE

(§707-711(1)(b) HRS)

(REPORT/CITATION NO. 22440512-001)

COUNT 2:

CARRYING OR POSSESSING A

LOADED FIREARM ON A PUBLIC

HIGHWAY

(§134-26 HRS)

(REPORT/CITATION NO. 22440512-005)

COUNT 3:

PLACE TO KEEP PISTOL OR

REVOLVER

(§134-25 HRS)

(REPORT/CITATION NO. 22440512-006)

FELONY INFORMATION

AND NON-FELONY COMPLAINT

FELONY INFORMATION AND NON-FELONY COMPLAINT

The Deputy Prosecuting Attorney charges:

COUNT 1: On or about November 15, 2022, in the City and County of Honolulu, State of Hawai'i, JOSHUA PUKANA ALOHA KEMP did recklessly cause serious bodily injury to Kahalemalalookaeookalani Sardinha-Viloria, to wit, bodily injury that created a substantial risk of death in the form of hemorrhagic shock and neurogenic shock from gunshot wound through chest and spine, and/or bodily injury that caused a protracted loss or impairment of the function of any bodily member or organ in the form of paraplegia and loss of right shoulder function, thereby committing the offense of Assault in the Second Degree, in violation of Section 707-711(1)(b) of the Hawai'i Revised Statutes. Pursuant to Section 707-700 of the Hawai'i Revised Statutes, "Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. Pursuant to Section 707-700 of the Hawai'i Revised Statutes, "Bodily injury" includes physical pain or any impairment of physical condition.

COUNT 2: On or about November 15, 2022, in the City and County of Honolulu, State of Hawai'i, JOSHUA PUKANA ALOHA KEMP, a person not licensed by the chief of police to carry a concealed or unconcealed pistol or revolver on his person, in accordance with Section 134-9 of the Hawaii Revised Statutes, and while on a public highway, with intent, knowledge or reckless disregard of the substantial and unjustifiable risk that he was such a person and on a public highway, did intentionally or knowingly carry on his person or have in his possession or carry in a vehicle an object, with intent, knowledge, or reckless disregard of the substantial and unjustifiable risk that the object was a firearm loaded with ammunition, thereby committing the offense of Carrying or Possessing a Loaded Firearm on a Public Highway, in violation of Section 134-26 of the Hawai'i Revised Statutes.

Pursuant to Section 134-1 of the Hawai‘i Revised Statutes "public highway" shall have the same meaning as defined in section 264-1(a) of the Hawaii Revised Statutes. Pursuant to Section 264-1(a) of the Hawai‘i Revised Statutes, all roads, highways, alleys, streets, ways, lanes, bikeways, bridges, and all other real property highway related interests in the State, opened, laid out, subdivided, consolidated, and acquired and built by the government are declared to be public highways. Public highways are of two types: (1) State highways, which are those lands, interests, or other real property rights, as defined above, having an alignment or possession of a real property highway related interest as established by law, subdivided and acquired in accordance with policies and procedures of the department of transportation, separate and exempt from any county subdivision ordinances, and all those under the jurisdiction of the department of transportation; and (2) County highways, which are all other public highways.

COUNT 3: On or about November 15, 2022, in the City and County of Honolulu, State of Hawai‘i, JOSHUA PUKANA ALOHA KEMP did intentionally or knowingly carry or possess an object, with intent, knowledge, or reckless disregard of the substantial and unjustifiable risk that the object was a loaded or unloaded pistol or revolver, and did intentionally, knowingly, or recklessly fail to confine the pistol or revolver to his place of business, residence, or sojourn other than carrying an unloaded firearm in an enclosed container from the place of purchase to his place of business, residence, or sojourn, or between those places upon change of business, residence, or sojourn, or between those places and a place of repair, a target range, a licensed dealer’s place of business, an organized, scheduled firearms show or exhibit, a place of formal hunter or firearm use training or instruction, or a police station, thereby committing the offense of Place to Keep Pistol or Revolver, in violation of Section 134-25 of the Hawaii Revised Statutes.

Pursuant to Section 134-25 of the Hawaii Revised Statutes, "enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm. Pursuant to section 134-1 of the Hawaii Revised Statutes "firearm" means any weapon, for which the operating force is an explosive, including but not limited to pistols, revolvers, rifles, shotguns, automatic firearms, noxious gas projectors, mortars, bombs, and cannon. Pursuant to section 134-1 of the Hawaii Revised Statutes "pistol" means any firearm of any shape with a barrel less than sixteen inches in length and capable of discharging loaded ammunition or any noxious gas.

Dated at Honolulu, Hawai'i: November 17, 2022.

STATE OF HAWAI'I

By STEVEN S. ALM  
Prosecuting Attorney

By /s/ TIFFANY L.H. KAEO  
\_\_\_\_\_  
TIFFANY L.H. KAEO  
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City and County of Honolulu