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NO. CAAP-24-0000511

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
KAI DELA CRUZ, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CPC-19-0001711)

ORDER

(By: Leonard, Presiding Judge, Hiraoka and Wadsworth, JJ.)

Upon review of the *Motion for Reconsideration* filed by Defendant-Appellant Kai **Dela Cruz** on December 18, 2025, and the record, it appears that Dela Cruz seeks reconsideration of the December 8, 2025 *Summary Disposition Order* in which we vacated his conviction and remanded for a new trial because of a deficient Tachibana colloquy, and did not address his contention that the trial court erred by denying his motion to suppress. He argues that "resolution of this point of error will provide guidance to the Circuit Court and the parties on remand."

On remand, should Dela Cruz choose to renew his motion to suppress, the trial court will decide the motion based on the facts it finds after an evidentiary hearing, and the law.

Therefore, IT IS HEREBY ORDERED that the Motion for Reconsideration is denied.

DATED: Honolulu, Hawai'i, December 22, 2025.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge