

ANNE E. LOPEZ 7609  
Attorney General for the State of Hawai'i  
AMANDA J. WESTON 7496  
DAVID N. MATSUMIYA 9640  
Deputy Attorneys General  
Department of the Attorney General,  
State of Hawai'i  
425 Queen Street  
Honolulu, Hawai'i 96813  
Telephone: (808) 586-1300  
Facsimile: (808) 586-8115  
E-mail: amanda.j.weston@hawaii.gov  
david.n.matsumiya@hawaii.gov

Attorneys for Defendant  
STATE OF HAWAI'I

**Electronically Filed**  
**FIRST CIRCUIT**  
**1CC191001419**  
**19-DEC-2025**  
**10:27 PM**  
**Dkt. 588 EXH**

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAI'I

JOHN ROE NO. 121,

Plaintiff,

vs.

STATE OF HAWAI'I; JOHN A. TEIXEIRA;  
JOHN DOES 1-10; DOE CORPORATIONS  
1-10; DOE PARTNERSHIPS 1-10; DOE  
NON-PROFIT ENTITIES 1-10; and DOE  
GOVERNMENTAL ENTITIES 1-10,

Defendants.

CIVIL NO.: 1CC191001419  
(Other Non-Motor Vehicle Tort)

JOINT TRIAL EXHIBIT 50

Judge: Honorable Kevin T. Morikone  
Trial: April 22, 2024

01/22/99  
07:56:44.4

STATE OF HAWAII DEPARTMENT OF HUMAN SERVICES  
SOCIAL SERVICES DIVISION

KFH1010R  
PAGE 1

CPS INTAKE DOCUMENT

INTAKE NO 62651

TAKEN BY \_\_\_\_\_  
COMPLETE BY \_\_\_\_\_  
ASSIGNED BY \_\_\_\_\_  
ASSIGN TO \_\_\_\_\_

DATE/TIME 1-5-99 0724  
DATE/TIME 1-22-99 0800  
DATE \_\_\_\_\_

CASE NAME T [REDACTED] J [REDACTED]  
UNIT NO 81 WORKER NO 0234

INITIAL REFERRAL BY LUM, MARGARETHA  
PHONE [REDACTED]

COMPLAINANT NO 01

CHILDREN:

FMN 21 NAME E [REDACTED], L [REDACTED] R DOB [REDACTED] V/P/B  
SEX M RACE MI CARETAKE FMN 80 SCH/EMP HIGHLANDS INTER SP/F  
FMN 23 NAME A [REDACTED], H [REDACTED] K DOB [REDACTED] V/P/B  
SEX M RACE HA CARETAKE FMN 80 SCH/EMP KANEONE ELEM

ADULTS:

FMN 80 NAME T [REDACTED] J [REDACTED]  
ADDRESS [REDACTED] DOB [REDACTED] ALLEGED PERP  
CITY [REDACTED] ST [REDACTED]  
ZIP [REDACTED] 0 PH [REDACTED]

PROBLEMS FOR WHICH REFERRED:

COMPLAINANTS ACCOUNT(S):

COMP NO 01 COMPLAINT DATE/TIME 01/05/99 07:24  
NAME LUM, MARGARETHA PHONE [REDACTED]  
ADDRESS 420 WAIKAMULO RD.  
SUITE 300 A  
CITY/ST/ZIP HONOLULU, HI, 96817  
SHARE ID Y PRT REQ NOTIFY REL TO CHILD PRO SERVICE PROVIDED

NARRATIVE ACCOUNT:

REPORT/CURRENT SITUATION:

-CALLER, WHO IS THE ACTIVE WORKER FOR THE CHILD, 7.5 YEAR OLD E [REDACTED]  
A [REDACTED], WAS CONTACTED BY THE CHILD'S FOSTER FATHER WHO STATED THAT THE  
CHILD HAD BEEN ACCIDENTALLY SHOT IN THE ABDOMEN WITH A "B" "B" GUN BY  
ANOTHER FOSTER CHILD, 14.5 YEAR OLD E [REDACTED].

FOSTER FATHER REPORTED THAT WHILE HE AND THE TWO CHILDREN WERE IN THE BACK  
YARD OF HIS RESIDENCE THE CHILD L [REDACTED] FOUND AND OLD "B" "B" GUN LYING ON THE  
GROUND. FOSTER FATHER REPORTS THAT HE DID NOT EVEN BELIEVE THAT THE GUN WAS  
FUNCTIONAL UNTIL L [REDACTED] PULLED THE TRIGGER AND THE GUN FIRED.

FOSTER FATHER, UPON REALIZING THAT THE CHILD H [REDACTED] HAD BEEN SHOT, TOOK THE  
CHILD IMMEDIATELY TO THE CASTLE MEDICAL CENTER EMERGENCY ROOM.

THE INCIDENT OCCURRED ON 12/29/98 AND THE CHILD REMAINED IN THE HOSPITAL UNTIL  
1/31/99 WHEN HE WAS DISCHARGED.

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

SOH 002790

01/22/99  
07:56:44.8

STATE OF HAWAII DEPARTMENT OF HUMAN SERVICES  
SOCIAL SERVICES DIVISION

KFHIRIOR

CALLER STATES THAT THE PELIETT/B.B., APPARENTLY HAD PUNCTURED THE CHILD'S LIVER, HOWEVER, ACCORDING TO THE CHILD'S DOCTOR THERE IS NO PERMANENT DAMAGE NOTED.

CALLER INFORMED CWSIU THAT THE CHILD H[REDACTED] WOULD BE COMING INTO THE OFFICE ON THURSDAY, 1/7/99 AT WHICH TIME HE WILL BE INTERVIEWED FURTHER REGARDING THE INCIDENT.

1/7 -CWSIU WAS INFORMED BY STUETTE SAKAMAKI, SOCIAL SERVICES ASSISTANT IN  
1000 UNIT 19 THAT THE CHILD, H[REDACTED], INFORMED HER THAT WHILE MR. T[REDACTED]  
00 WAS FEEDING THE CHICKENS IN ONE PART OF THE YARD, HE AND L[REDACTED] WERE  
PLAYING IN ANOTHER AREA. L[REDACTED] PICKED UP THE GUN AND FIRED IT AND  
THE PELIETT/B.B. HIT OFF OF SOMETHING AND THEN STRUCK HIM.  
-H[REDACTED] HAD STATED THAT HE WAS JUMPING ON A TRAMPOLINE AT THE TIME AND  
THAT THE GUN WAS A PRESENT FROM THE FOSTER FATHER TO THE OLDER FOSTER  
CHILDREN IN THE HOME.

1/7 -THE CHILD H[REDACTED] WAS BROUGHT TO THE WATAKAMILO OFFICE ON THIS DATE  
1915 FOR A SCHEDULED VISIT WITH HIS PARENTS. CWSIU INTERVIEWED THE CHILD  
005 REGARDING THE INCIDENT.

THE CHILD INFORMED CWSIU THAT HE AND FOUR OTHER FOSTER CHILDREN WERE PLAYING IN ONE PART OF THE YARD WHILE HIS FOSTER FATHER WAS FEEDING THE CHICKENS IN ANOTHER AREA.

THE CHILD STATES THAT WHILE HE WAS JUMPING ON THE TRAMPOLINE L[REDACTED] WAS SHOOT-  
ING AT A TARGET WITH THE B.B. GUN. L[REDACTED] FIRED THE GUN AND THE B.B. HIT OFF  
OF SOMETHING AND THEN CAME BACK AND HIT H[REDACTED] IN THE STOMACH. H[REDACTED] DREW  
A PICTURE FOR CWSIU AS TO THE POSITION OF THE TARGET AND THE TRAMPOLINE AND  
ACCORDING TO H[REDACTED] THE TRAMPOLINE WAS IN FRONT OF THE TARGET AND TO THE LEFT

CWSIU QUESTIONED THE CHILD AS TO THE ORIGIN OF THE GUN AND H[REDACTED] STATED THAT  
L[REDACTED] HAD FOUND THE GUN AT THE GYM AND THAT IT WAS ALL BENT AND IT SHOT PAPER  
OUT OF IT.

WHEN CWSIU INFORMED H[REDACTED] THAT HE ORIGINALLY STATED THAT THE GUN WAS A PRE-  
SENT FROM THE FOSTER FATHER TO THE OLDER FOSTER CHILDREN H[REDACTED] THEN STATED.  
"OH, YEAH, I FORGOT, SOMETIMES I GET CONFUSED.

H[REDACTED] THEN STATED THAT THE GUN WAS UNDER THE CHRISTMAS TREE AND THAT L[REDACTED]  
TOOK THE GUN OUTSIDE WITHOUT PERMISSION.

CWSIU THEN INQUIRED THAT IF L[REDACTED] TOOK THE GUN OUT WITHOUT PERMISSION, THEN  
SET UP A TARGET AND WAS FIRING AT IT, WHY DIDN'T FOSTER FATHER, WHO WAS PRE-  
SENT IN THE YARD, TAKE THE GUN AWAY FROM HIM. H[REDACTED] STATED THAT HE DID NOT  
KNOW.

WHEN CWSIU INQUIRED AS TO THE WHEREABOUTS OF THE GUN AT THIS TIME H[REDACTED] STAT-  
ED THAT THE FOSTER FATHER SMASHED IT WITH A HAMMER AND THREW IT AWAY.

H[REDACTED] STATED THAT BEFORE GOING TO THE HOSPITAL HE FIRST TOOK A BATH AND THAT  
L[REDACTED] WAS TRYING TO RUN AWAY.

CWSIU CONTACTED COLLEEN CHEESEMAN, ACTIVE SOCIAL WORKER FOR L[REDACTED] E[REDACTED] AND  
REQUESTED THAT SHE SPEAK TO THE CHILD REGARDING THE INCIDENT AND THE ORIGIN OF

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

SOH 002791



01/22/99  
07:56:44.8

STATE OF HAWAII DEPARTMENT OF HUMAN SERVICES  
SOCIAL SERVICES DIVISION

KEHTR10R

THE GUN.

CWSIU CONTACTED TRACEY OBER, SOCIAL WORKER FOR TWO FOSTER CHILDREN ALSO IN THE TEIXEIRA HOME AND REQUESTED THAT SHE SPEAK TO THEM REGARDING THE INCIDENT AND THE ORIGIN OF THE GUN.

CWSIU ALSO CONTACTED JULIE TSUTSUI, SOCIAL WORKER FOR ANOTHER CHILD IN THE HOME AND REQUESTED THAT SHE SPEAK TO HIM ABOUT THE INCIDENT AND THE ORIGIN OF THE GUN.

1/12 -SOCIAL WORKER, JULIE TSUTSUI, REPORTED BACK TO CWSIU THAT THE CHILD  
1230 THAT SHE HAS IN THE T ██████ FOSTER HOME, T ██████ M ██████, INFORMED HER  
TCF THAT L ██████ HAD FOUND THE GUN AND WAS ATTEMPTING TO FIX IT. THE CHILD  
STATED THAT WHEN THE FOSTER FATHER SAW THE GUN HE TOLD L ██████ TO GET  
RID OF IT AND THEN WENT TO FEED THE CHICKENS. T ██████ STATED THAT  
L ██████ WAS ABLE TO GET THE GUN TO FIRE AND WHEN HE DID HE HIT A POLE  
AND THE B.B. THEN BOUNCED OFF AND HIT H ██████ WHO WAS ON THE TRAMPOLINE

THE CHILD FURTHER INFORMED MS. TSUTSUI THAT THE FOSTER FATHER WAS MAD THAT  
L ██████ DID NOT LISTEN TO HIM AND THEN THREW THE GUN AWAY.

T ██████ STATED THAT THE GUN WAS NOT A PRESENT TO ANYONE FROM THE FOSTER FATHER,  
THAT IT WAS AN OLD ONE THAT L ██████ HAD FOUND.

1/19 -SOCIAL WORKER, TRACY OBER, REPORTED BACK TO CWSIU THAT SHE SPOKE WITH  
1030 THE TWO FOSTER CHILDREN SHE HAS IN THE TEIXEIRA HOME, H ██████ AND  
OVS T ██████ S ██████. THE CHILD H ██████ REPORTED TO HER THAT THE GUN WAS  
FOUND BY L ██████ AND WAS NOT A PRESENT FROM THE FOSTER FATHER. THE  
CHILD T ██████ DID NOT KNOW ANYTHING ABOUT THE ORIGIN OF THE GUN.

1/21 -SOCIAL WORKER, COLLEEN CHEESEMAM, REPORTED BACK TO CWSIU THAT THE  
1300 CHILD L ██████ HAS RETURNED FROM RUNAWAY AND SHE WAS ABLE TO SPEAK TO  
TCF HIM REGARDING THE SITUATION.  
-L ██████ STATED THAT HE HAD FOUND THE GUN APPROXIMATELY ONE WEEK PRIOR  
TO THE ACCIDENT AT THE GYM AND WHEN FOSTER FATHER SAW THE GUN HE TOLD  
L ██████ TO GET RID OF IT.  
-L ██████ STATED THAT HE HID THE GUN AND ON THE DAY OF THE INCIDENT,  
WHILE FOSTER FATHER WAS FEEDING THE CHICKENS, HE ATTEMPTED TO FIX THE  
GUN AND IT WENT OFF.

AT THIS TIME IT APPEARS THAT THE EXPLANATION THAT FOSTER FATHER PROVIDED THE  
ACTIVE SOCIAL WORKER FOR H ██████, M. LUM, IS CONSISTENT WITH THE OTHER FOSTER  
CHILDREN IN THE HOME. H ██████ IS THE ONLY CHILD WHO PRESENTED CONFLICTING AND  
CONFUSING STORIES.

ASSESSMENT:

PROTECTIVE SERVICES NOT INDICATED AT THIS TIME BASED ON:

- NO EVIDENCE OF ABUSE OR NEGLECT PERPETRATED BY FOSTER FATHER, J ██████  
T ██████.
- NO EVIDENCE THAT FOSTER FATHER PURCHASED THE GUN FOR THE FOSTER CHILD-  
REN OR WAS NEGLECTANT IN PROVIDING APPROPRIATE SUPERVISION
- NO DISCLOSURE BY OTHER CHILDREN IN THE HOME OF ANY ABUSE OR NEGLECT  
ISSUES.
- INFORMATION FORWARDED TO FOSTER HOME CERTIFICATION UNIT2 FOR FOLLOW  
UP AT THIS TIME.

CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER

SOH 002792

01/22/99  
07:56:44.8

STATE OF HAWAII DEPARTMENT OF HUMAN SERVICES  
SOCIAL SERVICES DIVISION

KEHTRJ0R

DISPOSITION:  
NO CASE ASSIGNMENT AT THIS TIME/CASE REFERRED

**CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER**

**SOH 002793**



**CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER**

**SOH 002794**

*John Roe 121 v. State of Hawai'i, et al.*

Civil No.: **1CC191001419**

Defendant's Exhibit: **JT50**

Marked for Identification: \_\_\_\_\_

Received into Evidence: \_\_\_\_\_

\_\_\_\_\_  
Clerk, First Circuit Court