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Gray Local Media, Inc.

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2015 DEC -6 PM 12:16

CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

1CSP NO. 25-0000499

IN RE GRAY LOCAL MEDIA, INC. dba
Hawaii News Now,

Movant.

SPECIAL PROCEEDING

MOTION TO CLARIFY OR AMEND
ORDER; MEMORANDUM IN
SUPPORT OF MOTION;
DECLARATION OF LYNN KAWANO;
DECLARATION OF R. BRIAN BLACK;
and EXHIBITS 1-2

MOTION TO CLARIFY OR AMEND ORDER

Movant Gray Local Media, Inc. dba Hawaii News Now (Gray) moves the Court to clarify or amend that certain Order of Limited Disclosure entered in the 1993 special investigatory grand jury proceedings (Order) concerning the death of Diane Suzuki in 1985.

Decades after the State stopped investigating the case, Gray requested the Honolulu Police Department (HPD) investigation file concerning Suzuki, pursuant to the Hawai'i Uniform Information Practices Act. HPD denied the request, claiming its independently-created records, predating the 1993 proceeding, were made confidential by the Order.

Accordingly, Gray respectfully moves for an order clarifying that the Order does not include records created by HPD prior to, and independent of, the 1993 special investigatory grand jury proceeding. Alternatively, Gray requests an order amending

the scope of the Order's confidentiality obligation, as it applies to HPD's Suzuki investigation file, to only restrict access to specific records that the Court finds disclose some aspect of the 1993 grand jury proceeding.

This motion is brought pursuant to Rules 6 and 47 of the Hawai'i Rules of Penal Procedure and the Court's inherent authority to ensure the proper functioning of the judicial system and fair administration of justice.

DATED: Honolulu, Hawai'i, December 4, 2025

A handwritten signature in black ink, appearing to read 'R. B. Black', written over a horizontal line.

ROBERT BRIAN BLACK

BENJAMIN M. CREPS

Attorneys for Movant Gray Local Media, Inc.

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN RE GRAY LOCAL MEDIA, INC. dba
Hawaii News Now,

Movant.

SPECIAL PROCEEDING

MEMORANDUM OF LAW IN
SUPPORT OF MOTION

MEMORANDUM IN SUPPORT OF MOTION

Last fall, Movant Gray Local Media, Inc. dba Hawaii News Now (Gray) requested a copy of the Honolulu Police Department (HPD) investigation file concerning the death of Diane Suzuki — a decades-old “cold case” — pursuant to the Uniform Information Practices Act (Modified), Hawai'i Revised Statutes (HRS) chapter 92F (UIPA).¹ HPD denied the request, asserting that an Order of Limited Disclosure in a 1993 special investigatory grand jury proceeding (Order) prohibited disclosure of all HPD records concerning Suzuki.

Although HPD invoked the Order to deny access to records, HPD did not have a copy of the Order and had no knowledge of its operative language, so Gray must make assumptions regarding the Order's scope. Based on HPD's representations, the alleged

¹ Gray is not asking this Court to address whether HPD must disclose any records to Gray under the UIPA. This motion is limited to clarifying or amending the scope of a confidentiality order entered by this Court. Disclosure of HPD's records will be resolved in a different forum. *E.g.*, HRS §§ 92F-15, 15.5.

scope of the Order plainly exceeds the authority granted by Hawai'i Rules of Penal Procedure 6(e) governing grand jury secrecy and the purposes underlying it. Grand jury secrecy only extends to "matters occurring before the grand jury" — not all records related to the subject of that proceeding.

Accordingly, Gray respectfully moves for an order clarifying that the Order does not include records created by HPD prior to, and independent of, the 1993 special investigatory grand jury proceeding. Alternatively, Gray requests an order amending the scope of the Order's confidentiality obligation, as it applies to HPD's Suzuki investigation file, to only restrict access to specific records that the Court finds disclose some aspect of the 1993 grand jury proceeding.

I. Factual Background

Diane Suzuki disappeared on July 6, 1985. In 1993, then-Prosecutor Keith Kaneshiro convened an investigatory grand jury to investigate her death; no charges resulted, and the State stopped any active investigation of the matter. *E.g., Lack of Evidence Halts Suzuki Case*, Honolulu Star-Bulletin (May 3, 2000) ("The case is classified as a homicide but has not been actively investigated since November 1993.") (Decl. of R. Brian Black, dated December 4, 2025 [Black Decl.], Ex. 2).

The media extensively reported on the 1993 grand jury proceeding. *See, e.g.,* Lynn Kawano, *Grand Jury Reviews Evidence in Diane Suzuki's Murder Case*, Hawaii News Now (July 8, 2025), at www.hawaiinewsnow.com/2025/07/09/grand-jury-reviews-evidence-diane-suzukis-murder-case/; *see also* Black Decl. Ex. 2. The HPD lieutenant who investigated Suzuki's death detailed HPD's efforts in a book in 2003. Gary A. Dias & Robbie Dingeman, *Honolulu Homicide: Murder and Mayhem in Paradise*, 168–80 (Bess Press 2003).

On August 14, 2024, after decades of inactivity in the investigation, Gray submitted a UIPA request to HPD for the Suzuki case file. Decl. of Lynn Kawano, dated August 26, 2025, Ex. 1. HPD denied the request on September 4, 2024, vaguely referencing a court order. *Id.* HPD later clarified that the court order was entered in the 1993 special investigatory grand jury proceeding.

II. Legal Standard

“The circuit court has supervisory powers over grand jury proceedings to insure the integrity of the grand jury process and the proper administration of justice.” *In re Moe*, 62 Haw. 613, 616-17, 617 P.2d 1222, 1224 (1980). The “several circuit courts shall have power: (1) To make and issue all orders and writs necessary or appropriate in aid of their original or appellate jurisdiction. . . . (6) To make and award such judgments, decrees, orders, and mandates, issue such executions and other processes, and do such other acts and take such other steps as may be necessary to carry into full effect the powers which are or shall be given to them by law or for the promotion of justice in matters pending before them.” HRS § 603-21.9; *see also Kukui Nuts v. R. Baird & Co.*, 726 P.2d 268, 6 Haw. App. 431 (1986) (paragraph (6) is a restatement of the inherent powers doctrine). “Hawai‘i courts have the inherent power and authority to control the litigation process before them and to curb abuses and promote fair process.” *Kaina v. Gellman*, 119 Hawai‘i 324, 330, 197 P.3d 776, 782 (App. 2008).

III. HRPP Rule 6 Does Not Authorize Blanket Secrecy for HPD Records.

Without knowing the basis for the Order, Gray presumes that HRPP 6(e) is the cited authority for an order imposing secrecy for the grand jury proceeding. HRPP 6(e), however, would not authorize an order of such expansive scope as described by HPD. It expressly limits grand jury secrecy in two distinct respects.

First, Rule 6(e) limits secrecy to “matters occurring before the grand jury.” HPD’s case file as requested by Gray pre-dated the grand jury and exists independent of the grand jury proceeding.² *E.g.*, Rod Ohira, *New Homicide Unit Won’t Let Old Murder Cases Die*, Honolulu Star-Bulletin (Nov. 9, 1991) (Ex. 2) (Lt. Dias reporting that the Suzuki case had recently been presented to the prosecutor’s office); *Lack of Evidence Halts Suzuki Case*, Honolulu Star-Bulletin (May 3, 2000) (Ex. 2) (“Homicide investigators first submitted the case to Kaneshiro’s office for prosecution in 1991 and did several follow-up investigations.”). “[M]atters occurring before the grand jury” does *not* mean

² To be clear, Gray is not requesting access to any records of what occurred before the grand jury—*e.g.*, grand jury subpoenas, minutes, or transcripts—in this motion.

all records related to the subject of the grand jury investigation; the mere submission of records for consideration by a grand jury does not make those records confidential outside the context of the grand jury. *E.g.*, OIP Op. No. 93-09 at 2 (“Based on the federal court decisions, we believe that the mere fact that a record is before a grand jury does not, in and of itself, automatically protect it from disclosure under Rule 6(e) of the Hawaii Rules of Penal Procedure.”); *accord Blalock v. United States*, 844 F.2d 1546, 1551 (11th Cir. 1988) (“The Rule does not protect from disclosure information obtained from a source other than the grand jury, even if the same information is later presented to the grand jury.”); *Anaya v. United States*, 815 F.2d 1373, 1380 (10th Cir. 1987) (“We believe there is a clear distinction between a memorandum of the testimony given by a witness before the grand jury and a memorandum of what that person told an investigator outside the grand jury room. While disclosure of the former would violate the secrecy rule, the latter does not.”); *SEC v. Dresser Indus., Inc.*, 628 F.2d 1368, 1382-83 (D.C. Cir. 1980) (“The fact that a grand jury has subpoenaed documents concerning a particular matter does not insulate that matter from investigation in another forum.”); *In re Grand Jury Investigation*, 610 F.2d 202, 217 (5th Cir. 1980) (“The disclosure of information obtained from a source independent of the grand jury proceeding, such as a prior government investigation, does not violate Rule 6(e).”); *In re Grand Jury Investigation*, 630 F.2d 996, 1000 (3d Cir. 1980) (“The mere fact that a particular document is reviewed by a grand jury does not convert it into a ‘matter occurring before the grand jury’ within the meaning of 6(e). Documents such as the business records sought by the Commission here are created for purposes independent of grand jury investigations, and such records have many legitimate uses unrelated to the substance of the grand jury proceedings.”); *see also United States v. Dynavac, Inc.*, 6 F.3d 1407, 1414 (9th Cir. 1993) (no 6(e) secrecy for business records that pre-dated a grand jury investigation and that were requested without reference to the grand jury); *In re Grand Jury Matter*, 682 F.2d 61, 64 (3d Cir. 1982) (“The information developed by the FBI, although perhaps

developed with an eye toward ultimate use in a grand jury proceeding, exists apart from and was developed independently of grand jury processes.”).³

Second, Rule 6(e) provides that “[n]o obligation of secrecy may be imposed upon any person except in accordance with this rule.” HRPP 6(e)(1). The only persons identified as subject to Rule 6 confidentiality are “a juror, prosecutor, interpreter, reporter or operator of a recording device, or any typist who transcribes recorded testimony[.]” *Id.* HPD is none of the individuals prohibited from disclosing grand jury materials by the Rule. Rule 6(e) does not apply to HPD.

Thus, accepting HPD’s claim at face value — that the Order prohibits HPD from disclosing any records in its Suzuki file, despite the records’ independent creation prior to the 1993 special investigatory grand jury proceeding — the Order would not be justified by reference to Rule 6(e). For that reason, Gray respectfully requests clarification that the Order does not prohibit disclosure of HPD’s records.

IV. Confidentiality for All HPD Records Does Not Serve the Purposes of Grand Jury Secrecy.

Even if the Court could impose a more stringent secrecy obligation than provided under Rule 6(e), there is no need for blanket secrecy over the entire HPD investigation file. The U.S. Supreme Court outlined the reasons for grand jury secrecy:

(1) To prevent the escape of those whose indictment may be contemplated; (2) to insure the utmost freedom to the grand jury in its deliberations, and to prevent persons subject to indictment or their friends from importuning the grand jurors; (3) to prevent subornation of perjury or tampering with the witness who may testify before [the] grand jury and later appear at the trial of those indicted by it; (4) to encourage free and untrammelled disclosures by persons who have information with respect to the commission of crimes; (5) to protect innocent accused who is exonerated from disclosure of the fact that he has been under investigation, and from the expense of standing trial where there was no probability of guilt.

³ Federal cases interpreting federal court rules are persuasive authority in interpreting similar state court provisions. *E.g.*, *State v. Abrigo*, 144 Hawai‘i 491, 500 n.14, 445 P.3d 72, 81 n.14 (2019) (rules of evidence); *Shaw v. North American Title Co.*, 76 Haw. 323, 326, 876 P.2d 1291, 1294 (1994) (rules of procedure).

Douglas Oil Co. v. Petrol Stops Nw., 441 U.S. 211, 219 n.10 (1979); *accord Moe*, 62 Haw. at 617, 617 P.2d at 1225.

None of the foregoing purposes are served by rendering secret HPD's entire Suzuki file. There is no danger that suspects alerted to the existence of the investigation may flee or tamper with grand jurors, witnesses, or evidence. Suspects have been aware of the grand jury and its focus on Suzuki for decades. *E.g.*, Rod Ohira, *Grand Jury Probes Diane Suzuki Case*, Honolulu Star-Bulletin (Oct. 21, 1993) (Ex. 2); Walter Wright, *Panel Seeks Suzuki Evidence*, Honolulu Advertiser (Oct. 22, 1993) (Ex. 2); Benjamin Seto, *No Indictment in Diane Suzuki Case*, Honolulu Star-Bulletin (Oct. 22, 1993) (Ex. 2). Then-Prosecutor Kaneshiro spoke with the press when the grand jury was convened. Lynn Kawano, *Watch the Search for Diane Suzuki Unfold Through Archived News Footage*, Hawaii News Now (July 8, 2025), at www.hawaiinewsnow.com/2025/07/09/watch-search-diane-suzuki-unfold-through-archived-news-footage/. As Kaneshiro explained years later: "We wanted to get statements on the record and under oath and called a lot of people, even some who were suspects." *Lack of Evidence Halts Suzuki Case*, Honolulu Star-Bulletin (May 3, 2000) (Ex. 2) ("The suspect and members of his family were subpoenaed to testify at the investigative grand jury sessions seven years ago."); *accord* Rod Ohira, *Panel Hears Family of Murder Suspect*, Honolulu Star-Bulletin (Nov. 4, 1993) (Ex. 2); *Suzuki Panel Meets Again*, Honolulu Advertiser (Nov. 5, 1993) (Ex. 2); *Grand Jury Looking at Key Link to Suzuki*, Honolulu Advertiser (Jan. 22, 1994) (Ex. 2).

And the grand jury proceeding ended more than 30 years ago. Clarifying the Order as it concerns HPD's independent records does not risk perjury or discouraging witness testimony in that closed proceeding. It also will not expose the identity of any suspects considered by the grand jury because the requested clarification does not seek any information about what the grand jury considered.⁴

⁴ Although not relevant to this motion, the UIPA standards typically do not require disclosure of suspects' or witnesses' identities. *E.g.*, OIP Op. No. 95-21 at 16-23. Thus, clarifying the Order here would not lead inevitably to disclosing the identity of suspects or witnesses.

The ultimate purpose of grand jury secrecy is to protect the integrity of the grand jury proceedings by concealing what transpired in the proceeding. *E.g., United States v. Procter & Gamble*, 356 U.S. 677, 681 (1958) (grand jury secrecy “is designed to protect from disclosure only the essence of what takes place in the grand jury room, in order to preserve the freedom and integrity of the deliberative process”). Access to HPD’s investigation file—separate from, independent of, and completed before the grand jury’s investigatory proceeding—does not jeopardize the integrity of the grand jury.

In the ordinary course with any other HPD investigation, the public would be entitled to access—appropriately limited—to HPD’s case file under the UIPA. Such access here would hold HPD accountable for its investigation into Suzuki’s death and allow the public to better understand what HPD did in its efforts to administer justice in that case. The unique obstacle preventing *any* consideration of what HPD must disclose publicly is the Order. Whether an expansively restrictive Order on HPD’s records once served a purpose decades ago, the Order is no longer necessary to protect the secrecy and integrity of the 1993 special investigatory grand jury proceedings. For that reason, Gray respectfully requests clarification that the Order does not prohibit disclosure of HPD’s records.

V. Alternatively, the Order Should Be Amended to Focus on Specific Records that Would Reveal Aspects of the Grand Jury Proceeding.

Not every record in HPD’s case file concerning Suzuki would disclose something about the grand jury proceeding. If the Court would maintain an order that goes beyond the secrecy authorized by HRPP 6(e) and the purposes of grand jury secrecy, there still must be some connection to the grand jury proceeding. *Cf.* OIP Op. No. 93-09 at 2 (“there must be some showing of a nexus between the disclosure of the record and the revelation of a secret aspect of a grand jury proceeding.”). Not *every* record in HPD’s Suzuki case file would reveal something that transpired in the 1993 grand jury proceeding. *E.g.,* Walter Wright, *Panel Seeks Suzuki Evidence*, Honolulu Advertiser (Oct. 22, 1993) (“[Kaneshiro] did say that the jury was not being presented with all evidence accumulated to date, but was being asked to help gather new evidence.”).

The State is the only party with access to the grand jury records. If releasing a particular HPD record would reveal an aspect of the grand jury proceedings, the State can explain that connection to the Court. As outlined, that connection should be more than simply the fact that a document was considered by the grand jury, because the HPD records existed independently of the grand jury. But, even under that standard, it is inconceivable that every record in HPD's case file was considered by the grand jury.

Thus, in the alternative, Gray requests that the Court amend the scope of the Order's confidentiality obligation, as it applies to HPD's Suzuki investigation file, to only restrict access to specific records that the Court finds disclose some aspect of the 1993 grand jury proceeding.

CONCLUSION

Based on the foregoing, Gray respectfully requests that the Court grant this motion and clarify or amend the Order as it applies to HPD's Suzuki investigation file.

DATED: Honolulu, Hawai'i, December 4, 2025



ROBERT BRIAN BLACK
BENJAMIN M. CREPS
Attorneys for Movant Gray Local Media, Inc.

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Attorneys for Movant
Gray Local Media, Inc.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

[CASE TITLE UNKNOWN]

[CASE NO. UNKNOWN]

DECLARATION OF LYNN KAWANO

DECLARATION OF LYNN KAWANO

1. I am employed by Gray Local Media, Inc. dba Hawaii News Now (Gray) as a Chief Investigative Reporter. I make this declaration in support of Gray's Motion to Clarify or Amend Order, based on personal knowledge.

2. Attached as Exhibit 1 is a true and correct copy of the September 4, 2024 "Notice to Requester" provided to me by the Honolulu Police Department in response to my August 14, 2024 public records request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 26, 2025, Honolulu, Hawaii


LYNN KAWANO

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
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IN RE GRAY LOCAL MEDIA, INC. dba
Hawaii News Now,

Movant.

SPECIAL PROCEEDING

DECLARATION OF R. BRIAN BLACK

DECLARATION OF R. BRIAN BLACK

1. I am an attorney for Movant Gray Local Media, Inc. dba Hawaii News Now (Gray). I make this declaration in support of Gray's Motion to Clarify or Amend Order, based on personal knowledge.

2. Attached as Exhibit 2 is a compilation of newspaper articles concerning Diane Suzuki that I collected from the archives of the Honolulu Star-Advertiser.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 4, 2025, Honolulu, Hawai'i



R. BRIAN BLACK

NOTICE TO REQUESTER

TO: Lynn Kawano
Email: lynn.kawano@hawaiinewsnow.com
(Requester's name)

FROM: Michelle Yu, Information Specialist 3
Sarah Yoro, Information Specialist 2
The Honolulu Police Department
801 South Beretania Street
Honolulu, HI 96813
Phone: (808) 723-3865
Emails: myu@honolulu.gov
Sarah.yoro@honolulu.gov
(Agency, and agency contact person's name, telephone number, & email address)

DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY: August 14, 2024

DATE OF THIS NOTICE: September 4, 2024

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

"Documents/records from the case file for Diane Suzuki disappearance from July 6, 1985."

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

- ☐ Will be granted in its entirety.
- ☐ Cannot be granted. Agency is unable to disclose the requested records for the following reason:
- ☐ Agency does not maintain the records. (HRS § 92F-3)
Other agency that is believed to maintain records: _____
 - ☐ Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: _____
 - ☐ Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))
 - ☐ Requested record(s) does not exist.
- ☐ Will be granted in part and denied in part, OR
- ☒ Is denied in its entirety
Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.
(Describe the portions of records that the agency will not disclose.)

RECORDS OR
INFORMATION WITHHELD
Documents/Records from the Case File
for Diane Suzuki Disappearance
from July 6, 1985

APPLICABLE
STATUTES
92F-13(4)

AGENCY
JUSTIFICATION
Government Records Protected From
Disclosure, Pursuant to an Order of
Any State or Federal Court

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees and costs incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.

METHOD & TIMING OF DISCLOSURE:

Records available for public access in their entirety must be disclosed within a reasonable time, not to exceed 10 business days from the date the request was received, or after receipt of any prepayment required. Records not available in their entirety must be disclosed within 5 business days after this notice or after receipt of any prepayment required. HAR § 2-71-13(c). If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- ☐ Inspection at the following location: _____
- ☐ As requested, a copy of the record(s) will be provided in the following manner:
- ☐ Available for pick-up at the following location: _____
 - ☐ Will be mailed to you.
 - ☐ Will be transmitted to you by other means requested:

Timing of Disclosure: All records, or the first increment if applicable, will be made available or provided to you:

- ☐ On _____, 2022.
- ☐ After prepayment of 50% of fees and 100% of costs, as estimated below.

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- ☐ The prior increment (if one prepayment of fees is required and received), or
- ☐ Receipt of each incremental prepayment, if prepayment for each increment is required.

Records will be disclosed in increments because the records are voluminous and the following extenuating circumstances exist:

- ☐ Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- ☐ Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- ☐ Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- ☐ A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS AND PAYMENT:

FEES: For personal record requests under Part III of chapter 92F, HRS, the agency may charge you for its costs only, and fee waivers do not apply.

For public record requests under Part II of chapter 92F, HRS, the agency is authorized to charge you fees to search for, review, and segregate your request (even if a record is subsequently found to not exist or will not be disclosed in its entirety). The agency must waive the first \$30 in fees assessed for general requesters, OR in the alternative, the

first \$60 in fees when the agency finds that the request is made in the public interest. Only one waiver is provided for each request. See HAR §§ 2-71-19, -31 and -32.

COSTS: For either personal or public record requests, the agency may charge you for the costs of copying and delivering records in response to your request, and other lawful fees and costs.

PREPAYMENT: The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. If a prepayment is required, the agency may wait to start any search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs from previous requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

For public record requests only:

Fees: Search	Estimate of time to be spent: ____ hours (\$2.50 for each 15-minute period)	\$
Review & segregation	Estimate of time to be spent: ____ hours (\$5.00 for each 15-minute period)	\$
Fees waived	<input type="checkbox"/> general (\$30), OR <input type="checkbox"/> public interest (\$60) (Only one waiver per request)	<\$ ____>
Other	_____ (Pursuant to HAR §§ 2-71-19 & 2-71-31)	\$

Total Estimated Fees: \$

For public or personal record requests:

Costs: Copying	Estimate of # of pages to be copied: ____ (@ \$ <u>0.50</u> for 1 st pages of each report and \$ <u>0.25</u> for each subsequent pages per page, pursuant to HRS § 92-21)	\$
Delivery	Postage	\$

Total Estimated Costs: \$

TOTAL ESTIMATED FEES AND COSTS from above: \$

☐ The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.

☐ **PREPAYMENT IS REQUIRED** (50% of fees + 100% of costs, as estimated above) \$

☐ **UNPAID BALANCE FROM PRIOR REQUESTS** (100% must be paid before work begins) \$

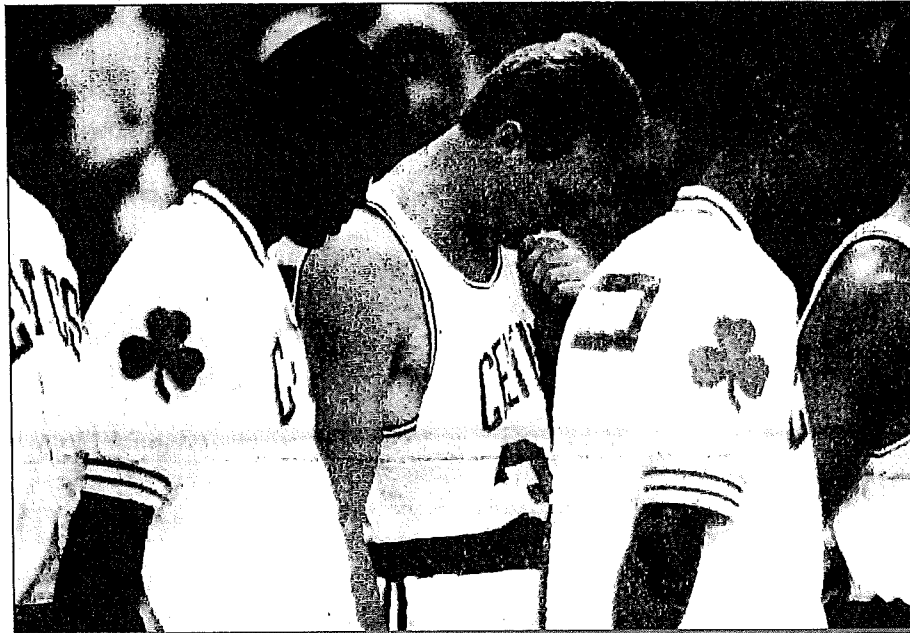
TOTAL AMOUNT DUE AT THIS TIME \$

Payment may be made by: ☐ cash
☐ personal/business/cashier's check payable to **City and County of Honolulu**

For questions about this notice or the records being sought, please contact the agency person named at the beginning of this form. Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, oip@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

New homicide unit won't let old murder cases die

Magic: Don't feel sorry for me



□ The two-man squad digs into difficult cases and often finds new evidence to solve them

By Rod Ohira
Star-Bulletin

An Oahu grand jury indictment this week involving a six-year-old murder case is being credited to the Honolulu Police Department's "unresolved homicide team."

It's just one of six cases the team has been able to advance since it was organized 18 months ago to review investigations of unsolved murders that are still considered "workable."

On Wednesday, the Oahu grand jury indicted Charles Perry for the murder of Glen E. Cargyle, whose bound and badly decomposed body was found Dec. 28, 1985, in his Punchbowl apartment.

"I think six out of 20 (assigned cases) is an outstanding effort," Maj. Rudy Alivado, who commands HPD's Criminal Investigation Division, said of the special team yesterday.

There are more than 800 unsolved murders dating back to 1940 in Honolulu police files. Open homicide cases are placed in the "unsolved" category after two years.

For the past 18 months, Lt. Gary Dias has reviewed the old cases to determine

See **HOMICIDE**, Page A-5

HOMICIDE: New unit helps clear unsolved cases

Continued from Page A-1

which ones are workable before assigning them to detectives Stephen Dung and Clifford Rubio.

In the Cargyle case, Alivado credits Dung and Rubio with developing "new leads through additional follow-up work to substantiate grand jury action."

Alivado declined comment on specific details, but said the new case presented to the prosecutor's office was stronger because of information the detectives got through more detailed interviews with witnesses.

A warrant was issued for Perry's arrest, and bail was set at \$50,000. His whereabouts on the mainland is known to Honolulu police.

"If we didn't have this team, we wouldn't have gotten (Perry) and the whole case would have been a dead-file issue," Alivado said.

Cargyle, 59, a free-lance artist who worked as a media specialist with the University of Hawaii from 1970 to 1973, was last seen by neighbors on Christmas Day 1985. His body was discovered three days later.

Deputy Prosecutor Loretta Matsunaga said earlier this week that "how (Cargyle) died is an issue."

In 1985, the city medical examiner could not determine the cause of death.

Among the six cases the special team has cracked so far, Dias said, "Is the Diane Suzuki case presented (recently) to the prosecutor's office" for action.

Suzuki disappeared in July 1985 in Aiea.

Her body has never been found despite widespread searches.

"The other four closings are by 'exceptional means,'" Dias said, which refers to cases that will not



Gary
Dias



Rudy
Alivado

likely result in an arrest. They may involve cases turned down by the prosecutor's office or closed because of the death of a suspect.

"Unresolved homicide teams" are used by most large police departments and Dias, who learned about the concept at a mainland seminar, proposed it to the Honolulu Police Department in 1988.

The plan, however, was not implemented until April 1990, a year before Alivado was re-assigned from the Kalihi District to command the Criminal Investigation Division.

Alivado believes assigning other detectives to unsolved cases "gives us a fresh look at the investigation, and that's a plus because it encourages new ideas and perception."

"We review every document closely and see if anything was missed," he said.

"And nothing precludes (the detective who handled the initial case) from jumping in and helping with the new investigation."

Initially, the plan called for two-man rotating teams of detectives assigned to work on old cases for a period of time.

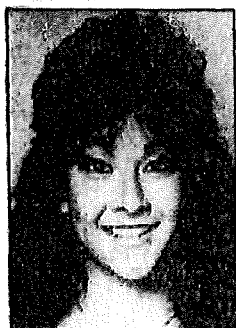
Implementing the plan, however, was difficult because of a shortage of staff.

"The addition of one more homicide detective brings us up to full strength at 10," Alivado said, "so we will be able to rotate the unresolved homicide team every six weeks from now on."

Up until now, Dung and Rubio have worked most of the old cases.

Grand jury probes Diane Suzuki case

□ The dance instructor has
been missing since July 1985



**Diane
Suzuki**

By Rod Ohira
Star-Bulletin

A special investigative grand jury was convened today to review evidence in the 1985 disappearance of Diane Suzuki.

The city prosecutor's office has subpoenaed more than 25 police personnel involved in the investigation. Subpoenas have also been issued for medical records.

Suzuki was 19 when she disappeared on July 6, 1985 after teaching a class at Rosalie Woodson Dancing Academy in Aiea. Her body has never been found nor has anyone been arrested in the case.

Police, however, have focused their investigation on a Waiau man who might have been in the studio with Suzuki.

In a 1990 interview with the Star-Bulletin, Diane's father, Masaharu Suzuki, recalls a brief meeting with the man who police consider to be the prime suspect in the case.

Diane's green car was still in the parking lot when the Suzukis went to the studio to search for their daughter.

"Our feeling at first was 'oh that girl, where did she go?' I never thought about foul play," Mr. Suzuki said. "If I had suspected foul play, I would have gone up to check the studio."

The Suzukis didn't check the studio because they were told by an acquaintance of their daughter's that she was not there.

Police later executed a search warrant at the man's house and have conducted searches in a marsh area behind the house.

During the investigation, police have been unable to find medical records indicating a blood type for Suzuki. There are unconfirmed reports that Suzuki once had surgery done and the grand jury has issued a subpoena for those records.

An investigative grand jury is called to collect all evidence necessary to determine if an indictment can be issued.

Panel seeks Suzuki evidence

Grand jury probing 8-year-old murder case

By Walter Wright
Advertiser Staff Writer

Prosecutor Keith Kaneshiro yesterday asked an investigative grand jury to "gather new evidence which we need and which we know exists" in the eight-year-old Diane Suzuki murder case.

An attorney who has represented a man believed for years to be a suspect in the case went to the grand jury yesterday.

Attorney Keith Shigetomi said he represents "a person" who was subpoenaed to testify before the grand jury, but he declined to identify that person or say whether that person was a suspect or if that person had gone before the grand jury yesterday.

Suzuki, a 19-year-old University of Hawaii student, disappeared from an Aiea dance studio on July 6, 1985.

Her disappearance remains unsolved, although police reclassified the case as a murder in 1990.

Kaneshiro's decision to turn to an investigative grand jury suggests that eight years of investigation by police, with assistance from other agencies, has yet to produce enough evidence to support an indictment in the case.

The investigative grand jury now working on the case has the power to compel individuals and organizations to surrender records and documents, and to tell anything they know about the case under oath.

Shigetomi said he did not represent the three people he shepherded through a crowd of reporters on the third floor of the courthouse. He did not de-

Suzuki case chronology

■ Saturday, July 6, 1985:

- Diane Suzuki disappears after teaching a jazz dance class of 10 students, ages 8 to 11, in Room 306, studio of Rosalie Woodson Dance Academy on Moanalua Road in Aiea. She and a fellow dance instructor, 15, were supposed to drive together to a dance academy party at Turtle Bay Hilton after Suzuki's class ends at 3 p.m.
- Suzuki's family is notified about the disappearance. They search the academy, then report her missing to police.

■ Sunday, July 7, 1985:

- Five Suzuki family friends obtain keys from the owner and search entire building and surrounding grounds. Police dogs search the building without success.

■ Monday, July 8, 1985:

- Detectives examine room where Suzuki was last seen. Crime lab finds blood on throw rug and plastic bag found in hallway and bathroom. Detectives interview a man who was at the academy on July 6.

■ July 14, 1985:

- Evidence technicians find "mist of dried blood-like substance" on bathroom wall in Room 306.
- Massive islandwide search follows.

■ Nov. 14, 1990:

- Police return to academy to conduct new tests using chemical Luminol, which can detect blood on surfaces that have been cleaned. Based on test results, police reclassify case as homicide.

■ July 1991:

- Police and Army experts search marsh behind a suspect's Wai'aleale house. Evidence said to be a pair of tights is dug up.

■ Oct. 21, 1993:

- Grand jury meets.

ny or confirm that they were family members of his client.

Asked if the three were subpoenaed to testify, Shigetomi said the only people entering the area were either grand jurors themselves or people under subpoena.

Kaneshiro said at day's end that the grand jury would continue its work later, on a date to be determined depending on

the availability of witnesses yet to be questioned.

Kaneshiro said that an investigative grand jury can be used to compel witnesses to produce evidence that they might be unwilling to give unless by order of a court. Asked for an example, Kaneshiro said certain records can only be obtained by court order.

He said it would be against

the law for him to reveal any specific information about the grand jury proceedings. He did say that the jury was not being presented with all evidence accumulated to date, but was being asked to help gather new evidence.

Kaneshiro said as many as 30 to 50 witnesses have been subpoenaed.

Several police detectives associated with the case were seen entering the anteroom where grand jury witnesses assembled yesterday. None would comment.

Kaneshiro said it is possible for an investigative grand jury to return an indictment, or evidence gathered by such an investigative panel could be presented to a regular grand jury with a request for indictment.

Asked if the "target" of the investigation had been subpoenaed, Kaneshiro said the grand jury has no "target," but is merely being used to gather all available evidence.

"We have an investigative grand jury, (and) we are gathering evidence in the case," Kaneshiro told a gantlet of reporters who camped outside the jury room.

He said his office had been working on the case ever since it was first presented by the police department.

"I can say that the case since the time it was first investigated by the police has been constantly under investigation. We did not put it aside," he said, pointing to its presentation to the grand jury.

Kaneshiro said he was overseeing the presentation of evidence to the grand jury, and that some of his deputies were questioning witnesses.

No indictment in Diane Suzuki case

□ A grand jury spends a day reviewing evidence in the alleged murder case

By Benjamin Soto
Star-Bulletin

For the first time, an Oahu grand jury has reviewed evidence relating to the 1985 disappearance of Diane Suzuki, but the state appears far from obtaining indictments in the alleged murder.

The investigative grand jury met yesterday at Circuit Court, attempting to discover new evidence that has eluded police and prosecutors for more than eight years.

"The purpose of the investigative grand jury is to gather as much evidence as possible," said city Prosecutor Keith Kaneshiro, who made a rare appearance at the grand jury room, overseeing yesterday's proceedings.

Kaneshiro said he doesn't expect an in-

dictment to be returned by the grand jury, saying it has so much evidence to pore over that it will reconvene to continue its investigation.

At the end of the day, Kaneshiro said he was happy with the day's work but wouldn't say when the grand jury will meet again to deal with the Suzuki case.

Suzuki, a 19-year-old University of Hawaii student, disappeared on July 6, 1985, after teaching a class at the Rosalie Woodson Dancing Academy in Aiea.

The story of her disappearance has generated much publicity over the years, but no one has ever been arrested or charged in the case.

Police have focused their case on a Waiolu man, whose home and a nearby marsh area were searched by investigators in 1991 after it appeared there was a break in the case.

Among those attending yesterday's session were Detective Stephen Dung, who worked on the 1991 search, and homicide Detective John Isabella, who has handled the Suzuki case from the start.

The Waiolu man and his family were also expected to be questioned yesterday by the grand jury, which issued subpoenas for their appearance.

Keith Sulgetomi, a criminal defense attorney, wouldn't comment yesterday if his client was cooperating with the grand jury, but confirmed that his client was issued a subpoena.

Kaneshiro yesterday sidestepped questions of whether there was a suspect in the case. But he said the investigative grand jury was used because of its powers to issue subpoenas for witnesses and for private documents such as medical records.

The grand jury also can receive sworn testimony from witnesses who have avoided police questioning.

Deflecting some earlier criticism that the prosecutor's office sat on the case after it was turned over by police, Kaneshiro yesterday said the case "is constantly under investigation. We did not just put it on the side. It's part of an ongoing process."

“
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”
Keith Kaneshiro

Panel hears family of murder suspect

By Rod Ohira

Star-Bulletin

The father and sister of a Waiau man who is a prime suspect in the Diane Suzuki murder investigation were called to testify today before an investigative grand jury.

Members of the man's family were subpoenaed to appear on Oct. 21, when the grand jury was convened by city Prosecutor Keith Kaneshiro to gather and review evidence related to Suzuki's 1985 disappearance.

Only the man's mother testified that day. The two other family members were called to testify today, when the Circuit Court grand jury was reconvened.

Suzuki disappeared on July 6, 1985. Her body has not been found, but police believe she was murdered after teaching a class at Rosalie Woodson Dancing Academy in Aiea. The suspect, a photographer, was brought in for questioning and reportedly failed a lie-detector test. His family retained an attorney and he was released without charges.

Since 1985, police have searched a marsh behind the suspect's home and recovered blood samples through the use of luminol. There is no record of Suzuki's blood type. Prosecutor Keith Kaneshiro declined comment on Oct. 21 when asked if a physician who performed surgery on Suzuki had been subpoenaed to provide information on a blood type.

Police submitted the case to the prosecutor's office in 1991. Police, meanwhile, reportedly have kept close tabs on the suspect since the grand jury was convened. He was subpoenaed but has not appeared.

Suzuki panel meets again

Investigation continues in '85 murder

The Oahu grand jury panel investigating the disappearance of Diane Suzuki eight years ago met again yesterday and will reconvene later to continue its investigation.

Suzuki, a 19-year-old University of Hawaii student, disappeared from an Aiea dance studio in July 1985. She is believed to have been murdered, but her body was never been recovered.

A man believed to be a suspect was subpoenaed for the first grand jury session last month, but his attorney Keith Shigetomi de-

clined to say whether his client testified.

Appearing before that first session was the man's mother. The man's father and sister were seen at the courthouse for yesterday's session.

City Prosecutor Keith Kaneshiro said he could not disclose names of witnesses appearing before the panel. He said the grand jury probe is "trying to get as much evidence as we can."

"We're looking at all possibilities," he said.

Grand jury looking at key link to Suzuki

Advertiser Staff and News Services

A man described by investigators as the last person to see Diane Suzuki alive went before an investigative Oahu grand jury yesterday.

Suzuki, a 19-year-old University of Hawaii student, disappeared July 6, 1985, after teaching a class at an Aiea dance studio where the man worked, investigators said.

Six years after her disappearance, police and Army search experts dug up a swampy area behind the man's Waiau home, but Suzuki's body has never been found.

Keith Shigetomi, the man's attorney, accompanied his client at the courthouse, but declined to comment on what happened in the proceedings. Shigetomi said he has not been told by city Prosecutor Keith

Kaneshiro what may happen next.

Kaneshiro said the investigation has made headway since the grand jury was impaneled Oct. 21.

"We will continue to pursue this investigation," Kaneshiro said. "We have developed other means and other avenues and other alternatives."



Suzuki

More than 40 people, including the man's mother, have testified before the grand jury, which meets behind closed doors.

Kaneshiro has said he can't disclose the names of those going before the panel.



WHAT EVER HAPPENED TO ...

An update on past news

▲▲▲

Lack of evidence halts Suzuki case

QUESTION: What ever happened to the Diane Suzuki investigation?

ANSWER: Diane Suzuki, a 19-year-old University of Hawaii student and part-time instructor at Rosalie Woodson Dancing Academy in Aiea, has not been seen since July 6, 1985.

The case is classified as a homicide but has not been actively investigated since November 1993, when then-Honolulu Prosecuting Attorney Keith Kaneshiro convened an investigative grand jury to gather and review evidence.

"We wanted to get statements on record and under oath and called a lot of people, even some who were suspects," Kaneshiro said about the three grand jury sessions. "After evaluating what we had, it wasn't enough."

"We did as much as we could with what we had."

Suzuki's body has never been found.

"The difficulty of not having a body is, you can't determine cause of death. And when you have no cause, it's difficult to determine the means of death," Kaneshiro said.

Shortly after she disappeared, a photographer acquaintance of Suzuki was brought in for questioning and reportedly failed a polygraph test. The man's family retained an attorney and he was released without charges.

Since 1985, police have searched a marsh behind the man's home and found evidence of blood at the dance studio through the use of Luminol. But there is no record of Suzuki's blood type to make a comparison.

Homicide investigators first submitted the case to Kaneshiro's office for prosecution in 1991 and did several follow-up investigations.

The suspect and members of his family were subpoenaed to testify at the investigative grand jury sessions seven years ago. The man was represented then by attorney Keith Shigetomi.

On July 6, 1997, the Suzuki family held a private service at Aiea Tathelji Soto Mission to officially say goodbye to Diane.

In December 1999, Yuri Suzuki died without knowing the truth about her daughter's disappearance.