

ORIGINAL

Bail  
\$ \_\_\_\_\_

HPD NO. 21-143932-003

JDPC NO. \_\_\_\_\_

\_\_\_\_\_  
District Judge

**District Court of the First Circuit**

**State of Hawaii**

\_\_\_\_\_  
**COMPLAINT**  
\_\_\_\_\_

**ISSUED  
DISTRICT COURT  
FIRST CIRCUIT  
LEGAL DOCUMENTS BRANCH  
CLERK C. KOBATA  
DATE/TIME JUN 15 2021**


30  
10:45am  
✓


\_\_\_\_\_  
Christopher T. Van Marter, first being duly sworn says:

On or about April 5, 2021, in the City and County of Honolulu, State of Hawai'i, ZACKARY K. AH NEE did intentionally engage in conduct which, under the circumstances as he believed them to be, was a substantial step in a course of conduct intended or known to cause the death of Mark Sykap, thereby committing the offense of Attempted Murder in the Second Degree, in violation of Sections 705-500, 707-701.5 and 706-656 of the Hawai'i Revised Statutes.

If convicted of this offense or any included felony offense, ZACKARY K. AH NEE may be subject to sentencing in accordance with Section 706-660.1(3) of the Hawai'i Revised Statutes where he had a semiautomatic firearm in his possession and used said semiautomatic firearm while engaged in the commission of the felony, whether the semiautomatic firearm was loaded or not, and whether operable or not. "Semiautomatic firearm" means any firearm that uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull of the trigger. "Firearm" means any weapon, for which the operating force is an explosive, and includes pistols, revolvers, rifles, and shotguns. (HPD Report No. 21-143932-003)

Subscribed and sworn to before me this 15<sup>th</sup>  
day of June 2021

  
\_\_\_\_\_  
Prosecuting Attorney  
City and County of Honolulu

  
\_\_\_\_\_  
/s/ Christopher T. Van Marter

Address 1060 Richards Street

\_\_\_\_\_

# WARRANT OF ARREST

\_\_\_\_\_

**The State of Hawaii:**

To the Sherriff of the State of Hawaii, or his Deputy, or the Chief of the Honolulu Police Department, or his Deputy, or any Police Officer in the First Circuit, State of Hawaii:

YOU ARE HEREBY COMMANDED on the information of \_\_\_\_\_

Christopher T. Van Marter

verified by oath, forthwith to arrest and take the body of Zackary K. Ah Nee

accused of violating Attempted Murder in the Second Degree

as set forth more fully in the Complaint herein above, if he can be found, and forthwith have his body brought before said District Judge of the First Circuit, at his/her Courtroom in said First Circuit, or at 8:30 a.m. of the next secular day following the date of service.

And you are also commanded, having arrested the said Zackary K. Ah Nee

to summon as witnesses of accusation for a preliminary hearing.

Unless authorized in writing, this warrant may not be executed between the hours of 10:00 p.m. and 7:00 a.m. on premises not open to the public.

Witness the hand of the said Judge this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Judge of the above entitled Court  
State of Hawaii

\_\_\_\_\_

# SUMMONS IN LIEU OF WARRANT OF ARREST

\_\_\_\_\_

TO: ZACKARY K. AH NEE  
c/o Honolulu Police Department  
801 S. Beretania Street  
Honolulu, Hawaii 96813

You are commanded to appear before the Presiding Judge at HONOLULU DISTRICT COURT, 1111 ALAKEA STREET, COURTROOM 7C, HONOLULU, HI, on the 25<sup>th</sup> day of June, 2021, at 8:30 a.m., then and there to answer to the charge of committing the offense of: Murder in the Second Degree in violation of 707-701.5 of the Hawai'i Revised Statutes, made against you herein and to be further dealt with according to law.

Failure to obey this summons may result in a prosecution for contempt. Unless authorized in writing by a judge of the District or Circuit Court, this summons may not be personally delivered between the hours of 10:00 p.m. and 7:00 a.m. on premises not open to the public.

GIVEN UNDER MY HAND this day 6/15/21

Summons In Lieu of Arrest  
Approved and So Ordered:

DAROLYN H. LENDIO, Judge

Darolyn H. Lendio

\_\_\_\_\_  
Judge of the Above Entitled Court  
State of Hawaii

~~E. KODATA (SEAL)~~  
[Signature]  
Clerk, District Court of the First Circuit

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## EXECUTION OF WARRANT OF ARREST

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The attached warrant of arrest was executed on the \_\_\_\_\_ day of \_\_\_\_\_  
2021, in the City and County of Honolulu, State of Hawaii.

\_\_\_\_\_  
Signature of person executing warrant

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## SERVICE OF SUMMONS

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The attached summons was served upon the defendant named therein on the \_\_\_\_\_  
day of \_\_\_\_\_, 2021, in the City and County of Honolulu, State of Hawaii.

\_\_\_\_\_  
Signature of person serving summons

IN THE DISTRICT COURT OF THE FIRST CIRCUIT

HONOLULU DIVISION

STATE OF HAWAII

DECLARATION IN SUPPORT OF COMPLAINT AND ISSUANCE

OF WARRANTS OF ARREST OR SUMMONSES

I, Christopher T. Van Marter, (hereinafter “Declarant”), declare on information and belief that:

Declarant is employed as a Deputy Prosecuting Attorney for the City and County of Honolulu, and has been so employed since 1992.

The following materials were reviewed in this case: (1) over 1,300 pages of police reports, including reports written by police officers, evidence specialists, and criminalists, as well as written and recorded witness statements, (2) 70 body worn camera (BWC) videos, (3) over 40 videos from cameras in the area surrounding the incident, (4) ambulance reports, (5) an autopsy report, (6) 911 and police radio recordings, (7) records relating to the “use of force” history of the defendants, and (8) scene photos and evidence photos, as well as other materials.

The following consists of a brief summary of the materials.

Based on the summary below, there is probable cause to believe that the criminal offenses of Murder in the Second Degree, in violation of Sections 707-701.5 and 706-656 of the Hawaii Revised Statutes (“HRS”), and Attempted Murder in the Second Degree (two counts) in violation of Sections 705-500, 707-701.5, and 706-656, HRS, have been committed and that the offenders of said offenses have been identified as Geoffrey H.L. Thom, Zackary K. Ah Nee, and Christopher J. Fredeluces.

## I. Introduction

In short, the facts tending to establish probable cause for the charges set forth in the Complaint are as follows: Geoffrey H.L. Thom (hereinafter “Defendant Thom”) did intentionally or knowingly cause the death of Iremamber Sykap by shooting Iremamber Sykap eight times – once in the back of the head, twice in the back of the neck, four times in the back, and once in the left arm; Zackary K. Ah Nee (hereinafter “Defendant Ah Nee”) did intentionally engage in conduct which, under the circumstances as he believed them to be, constituted a substantial step in the course of conduct intended or known to cause the death of Mark Sykap where Defendant Ah Nee fired a firearm multiple times, including firing a round through the back of the headrest where Mark Sykap was seated in a car and by shooting Mark Sykap in the right shoulder; and Christopher J. Fredeluces (hereinafter “Defendant Fredeluces”) did intentionally engage in conduct which, under the circumstances as he believed them to be, constituted a substantial step in the course of conduct intended or known to cause the death of Iremamber Sykap where Defendant Fredeluces fired a firearm directly at Iremamber Sykap’s upper body from point-blank range.

## II. Factual Background

On April 5, 2021, Defendant Thom committed the offense of Murder in the Second Degree, and on the same date and during the same incident, Defendant Ah Nee and Defendant Fredeluces each committed the offense of Attempted Murder in the Second Degree.

The scene of the offenses is located at the intersection of Kalakaua Avenue and Philip Street, in the City and County of Honolulu, State of Hawaii.

On April 5, 2021, Defendant Thom, 42 years old, Defendant Ah Nee, 26 years old, and Defendant Fredeluces, 40 years old, were employed and on duty working as police officers.

At about 4:42 p.m. that day, Defendant Fredeluces and Defendant Thom were in a marked patrol car, identified by the number 1742. Defendant Fredeluces was the driver and Defendant Thom was the front seat passenger. Defendant Ah Nee was alone in a marked patrol car, identified by the number 1741.

At about 4:42 p.m., Defendants Thom, Fredeluces, and Ah Nee were sent to the area of Kawaikui Beach Park, which is located in East Honolulu along Kalanianaʻole Highway, east of Wailupe Circle. The defendants were sent to the park because a 911 caller reported seeing a stolen white Honda at the park.

The white Honda had been reported stolen two days earlier – on April 3, 2021. The car was allegedly connected to several offenses, including an armed robbery, a purse snatching, and a theft.<sup>1</sup>

Shortly after arriving in the area of the park, officers spotted the white Honda driving out of the park and turning westbound on Kalanianaʻole Highway. Officers attempted to initiate a traffic stop, but the white Honda accelerated away from the area. A vehicle pursuit was declared at 4:52 p.m.

Defendants Thom and Fredeluces followed the white Honda and they attempted to stop the white Honda with their flashing blue lights and siren, as well as using their PA system to give verbal commands for the car to stop. The car did not stop.

The white Honda continued westbound on Kalanianaʻole Highway at a high rate of speed. Eventually, the white Honda reached the H-1 Freeway, still heading westbound. The pursuit continued on the H-1 Freeway at a high rate of speed. Defendants Thom, Fredeluces, and Ah Nee following the white Honda, as did other officers.

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<sup>1</sup> . To date, none of the people who occupied the white Honda on April 5, 2021 has been identified as being involved in those alleged offenses. However, that does not mean that they were not involved.

The white Honda left the freeway using the Kapiolani Boulevard exit, and continued westbound on Kapiolani Boulevard. The white Honda eventually turned off Kapiolani Boulevard, and the pursuit continued on side streets in the westerly direction, with officers right behind.

The white Honda made its way to Kalakaua Avenue. It turned onto Kalakaua Avenue and drove in the Mauka direction, again with officers right behind.

At 5:02 p.m., the white Honda stopped in the intersection of Kalakaua Avenue and Philip Street. Defendants Thom and Fredeluces stopped their patrol vehicle on the driver's side of the white Honda. Defendant Ah Nee stopped in front of the white Honda, blocking the right lane of Kalakaua Avenue and the forward path of the white Honda. Officer Chanel Price stopped behind the white Honda. There were two cars on the passenger's side of the white Honda – about 20 feet away; they appeared to be stopped at a red light – waiting to turn left off of Philip Street and heading in the Makai direction on Kalakaua Avenue.

There were no pedestrians to the front or right of the white Honda. The nearest pedestrian was about 40 – 50 feet behind the white Honda. The white Honda was facing away from that pedestrian.

When the white Honda came to a stop, the front driver's side of the white Honda made contact with the right front bumper area of the patrol car occupied by Defendants Thom and Fredeluces. It is not clear whether either car deliberately hit the other car, as opposed to both cars coming into contact just by happenstance. In any event, the contact between the two cars was minor – the patrol car had a few paint nicks – about the size of two quarters – and it had a few black scuffmarks. The paint nicks and scuffmarks were near the right front bumper of the patrol car.

Upon stopping their patrol car, Defendants Thom and Fredeluces got out. As they got out, two passengers from the white Honda got out from the rear passenger's side door of the white Honda and they started running from the area. <sup>2</sup>

Defendant Fredeluces got out of the driver's seat of his patrol car; he went around to the front of his patrol car. Then, he made his way to the driver's side of the white Honda. He was positioned on the driver's side of the white Honda, near the front wheel initially.

When Defendant Thom got out of the passenger's seat of the patrol car, an AR-15 rifle fell to the ground. The white Honda was about 3 – 4 feet to the right. More specifically, the rear driver's-side wheel of the white Honda was adjacent to the passenger's door of the patrol car.

As Defendant Thom was picking up the AR-15 rifle and putting it back in the patrol car, Defendant Ah Nee was getting out of his patrol car and Officer Price was getting out of her patrol car.

Defendant Fredeluces was at the driver's side of the white Honda, giving commands to the four occupants of the car to "get out of the car." Officer Fredeluces had drawn his firearm and was pointing it at the interior of the white Honda.

The white Honda was not moving at that point.

As Defendant Ah Nee ran around to the passenger's side of the white Honda, Defendant Thom pulled out his 9mm Glock semi-automatic firearm. Officer Price moved toward the rear of Defendant Thom.

The white Honda had not moved more than a few inches since it originally stopped in the right hand lane of the intersection.

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<sup>2</sup> . Those two occupants were located shortly after the incident. They were not in the white Honda during the shooting. One of the occupants ran from the white Honda with a bag. That bag was later found and searched (without a warrant), and the police found a starter's pistol. HPD's firearms expert concluded that it did not constitute a firearm.



Defendant Ah Nee attempted to open the front passenger's door of the white Honda, but it was locked. Defendant Ah Nee had his firearm drawn and was pointing it at the interior of the car. He also used his hand to hit the window to get the occupants to open the door and to get the occupants out.

With Defendant Fredeluces on the driver's side of the white Honda, Defendant Ah Nee on the passenger's side of the white Honda, and only Defendant Ah Nee's patrol car in front of the white Honda, Defendant Thom, without provocation, started firing his firearm into the rear window of the white Honda.

Defendant Thom fired 10 rounds into the rear window of the white Honda. Officer Fredeluces fired a single round into the driver's door of the white Honda, just above the driver's door handle. The bullet went through the door and into the interior of the car, but apparently did not hit the driver, Iremamber Sykap. Officer Price, the fourth officer around the white Honda, drew her firearm but did not discharge it.

Eight of Defendant Thom's ten shots hit Iremamber Sykap. Iremamber Sykap sustained a gunshot wound to the back of the head, two gunshot wounds to the back of the neck, four gunshot wounds to the upper back, and a gunshot wound to the left arm.

The gunshot wound to the back of the head fractured Iremamber's skull and entered his brain. One of the two shots to the back of Iremamber's neck fractured his spine. One of the four gunshot wounds to Iremamber's back lacerated his aorta – a through-and-through fatal wound. Iremamber also suffered extreme internal bleeding due to gunshot wounds to his left lung.

The following image depicts the trajectory of eight bullets fired by Defendant Thom:



A ninth bullet entered the rear of the driver's seat just below the eight yellow trajectory rods depicted in the above image. The trajectory of the tenth bullet that Defendant Thom fired has not been conclusively determined at this point.

What is clear is that Dr. Masahiko Kobayashi, the Chief Medical Examiner for the City and County of Honolulu, recovered seven bullets from Iremamber Sykap's body and that all of those bullets were fired by Defendant Thom, according to HPD's ballistics expert Curtis Kubo.

There were two distinct volleys of shots. The first volley consisted of 11 shots – 10 shots fired by Defendant Thom and 1 shot fired by Defendant Fredeluces.

The following image depicts the trajectory of the shot that Defendant Fredeluces fired at Iremamber Sykap:



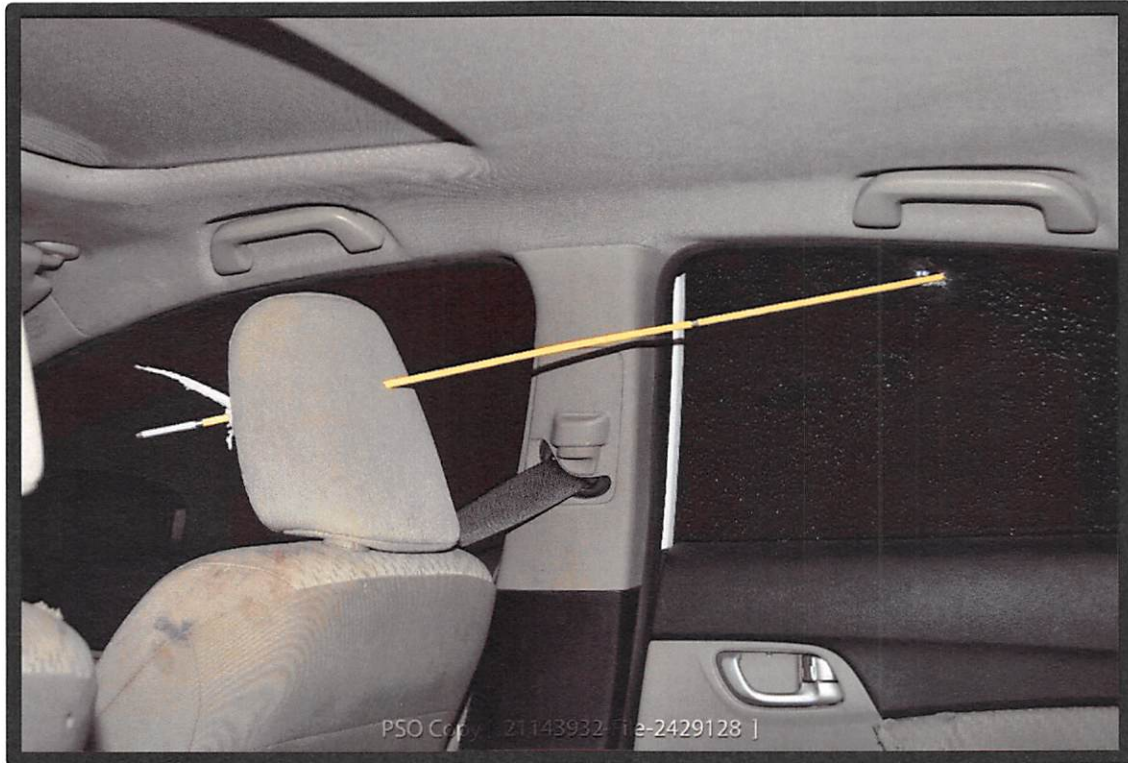
Defendant Fredeluces fired at Iremamber Sykap from fewer than two feet away.

Iremamber was seated in the driver's seat of the white Honda when Defendant Fredeluces shot at him.

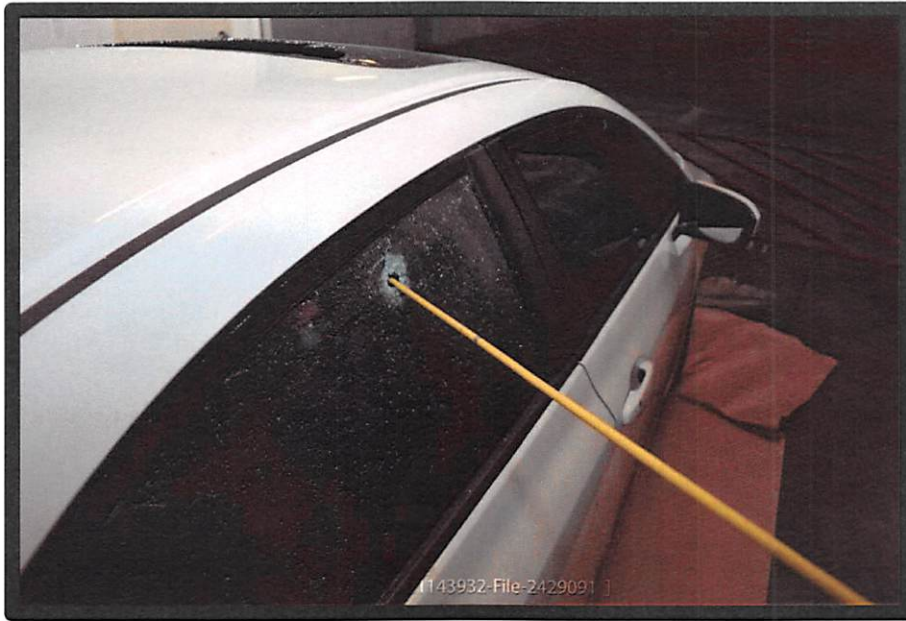
When Defendant Thom started firing his weapon, the white Honda was apparently in "drive mode". When Defendants Thom and Fredeluces fired the first volley of 11 shots, the white Honda moved forward and struck the passenger's side of Defendant Ah Nee's empty patrol car and it was re-directed to the right as it moved alongside the patrol car. The car then moved toward the empty sidewalk toward the canal, and at that time, Defendant Ah Nee, without provocation, fired four shots. He fired the shots as the white Honda climbed the sidewalk and went through a fence, before landing in a canal about 10 below the street level.

It appears that two of the rounds fired by Defendant Ah Nee struck the passenger in the front seat of the white Honda – Mark Sykap. He was shot in the right rear shoulder and in the left hand.

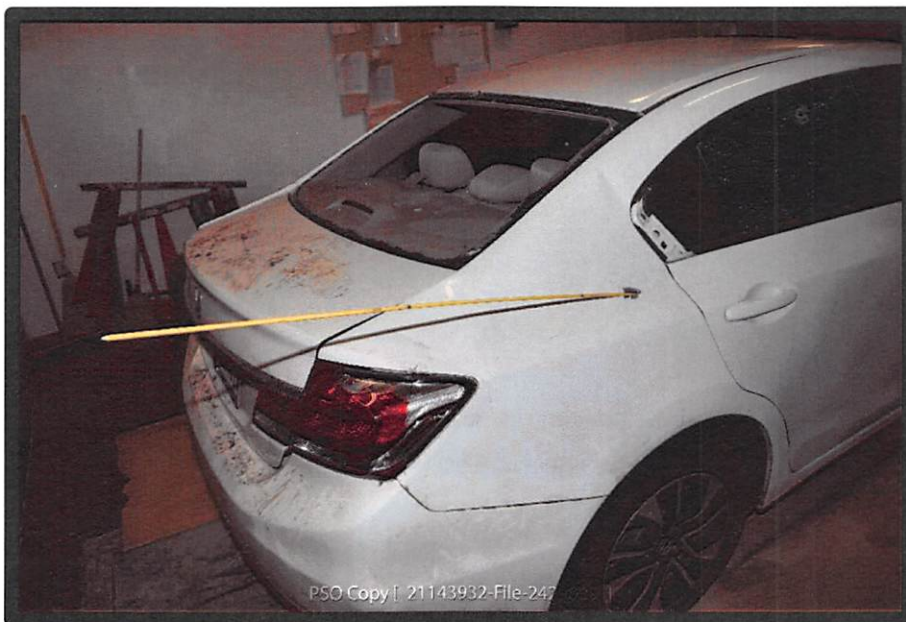
The following images depict the trajectory of two of the rounds that Defendant Ah Nee fired:



As the last image (and the next) demonstrates, one of the rounds that Defendant Ah Nee fired was a “head shot” – the bullet entered the rear part of the headrest of the front passenger and exited through the front of the headrest.



The following image shows the trajectory of another round fired by Defendant Ah Nee:



Defendant Ah Nee fired a volley of four rounds, without provocation, as the white Honda was about to go into the canal. Neither the white Honda, nor its occupants posed any threat to any person at that time.

The driver of the car, Iremamber Sykap, was pronounced dead shortly after arriving at the Queen's Medical Center. His brother, Mark Sykap, was treated and released from the Queen's Medical Center later that night. Mark Sykap sustained a gunshot wound to the right shoulder and a gunshot wound to the left hand.

Defendant Thom wrote in his report that he shot to protect himself, his fellow officers, and members of the public. Regarding protecting himself, he said that the white Honda "assaulted" and "rammed" into his patrol car. That is not seen on the BWC videos, and the patrol car that he was seated in sustained a few minor paint chips and some black scuffmarks. Defendant Thom said that the white Honda "reversed" directly at him. That is not seen on the BWC videos. He said that Officer Fredeluces was in front of the white Honda on the passenger's side when it accelerated forward toward Officer Fredeluces. That is not seen in the BWC videos. In fact, Officer Fredeluces was on the driver's side of the white Honda as Officer Thom shot into the white Honda. There was no one in front of the white Honda, and there were no civilians on the sidewalk or anywhere in front of the white Honda.

Defendant Fredeluces wrote in his report that he heard gunshots, saw the driver's window shatter, and believed that the shots were coming from within the vehicle and that they were being fired by occupants of the white Honda. However, before confirming his belief, he fired his 9mm Glock firearm into the driver's door. That bullet went through the driver's door, entered the interior of the vehicle, but apparently, did not strike Iremamber Sykap.

Defendant Ah Nee wrote in his report that he saw what he thought was the butt of a firearm on the lap of the front seat passenger. That is not seen on the BWC video. In fact, from the BWC video, it appears that the passenger has a thin square object on his lap, which does not resemble a firearm. The passenger is seen holding a cell phone in his right hand. His left hand is

empty. His left hand sustained a gunshot wound. Defendant Ah Nee wrote in his report that he heard gunshots, and he fired his firearm at the vehicle, allegedly to protect himself, other officers, and members of the public. However, the BWC videos show that he fired after the first volley from Defendants Thom and Fredeluces, and after the vehicle was going up on the sidewalk and through the fence. No person was in any danger when he fired his firearm. Two rounds hit the front seat passenger.

The autopsy confirmed that Iremamber Sykap died as a result of multiple gunshot wounds.

The HPD ballistics report confirmed that the seven bullets recovered from the decedent's body were fired from Defendant Thom's 9mm Glock.

At this point, the bullets fired from Defendant Fredeluces' and Defendant Ah Nee's firearms have not been identified.

The firearms used by Defendant's Thom, Ah Nee, and Fredeluces consisted of 9mm Glock semi-automatic firearms.

### III. Conclusion

The evidence confirms that Defendant Thom did intentionally or knowingly cause the death of Iremamber Sykap by shooting Iremamber Sykap eight times – once in the back of the head, twice in the back of the neck, four times in the back, and once in the left arm; that Defendant Ah Nee did intentionally engage in conduct which, under the circumstances as he believed them to be, constituted a substantial step in the course of conduct intended or known to cause the death of Mark Sykap where Defendant Ah Nee fired a firearm multiple times, including firing a round through the back of the headrest where Mark Sykap was seated in a car and by shooting Mark Sykap; and that Defendant Fredeluces did intentionally engage in conduct

which, under the circumstances as he believed them to be, constituted a substantial step in the course of conduct intended or known to cause the death of Iremamber Sykap where Defendant Fredeluces fired a firearm directly at Iremamber Sykap's upper body from point-blank range.

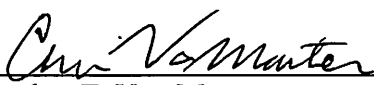
The evidence supports the conclusion that the defendants' use of deadly force in this case was unnecessary, unreasonable, and unjustified under the law.

The foregoing events occurred in the City and County of Honolulu, State of Hawaii.

WHEREFORE, Declarant respectfully requests that, based upon the facts and circumstances contained within this declaration, a finding of probable cause be made that Defendant Thom committed the offense of Murder in the Second Degree; that Defendant Ah Nee committed the offense of Attempted Murder in the Second Degree; and that Defendant Fredeluces committed the offense of Attempted Murder in the Second Degree; and that said defendants be brought forthwith before this Court by warrant of arrest or by summons pursuant to Rule 9 of the Hawaii Rules of Penal Procedure, for a preliminary hearing, subject to the order of this Court or any other Court for the said offenses, which were committed in violation of HRS Sections 707-701.5 and 706-656 (Murder in the Second Degree) and HRS Sections 705-500, 707-701.5, and 706-656 (Attempted Murder in the Second Degree).

FURTHER DECLARANT SAYETH NOT.

I, Christopher T. Van Marter, declare under penalty of law that the foregoing is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Christopher T. Van Marter  
Deputy Prosecuting Attorney