

Please note that Mr. Pflueger was not yet convicted as the earlier headline/subject line indicated. That was an error.

NEIL ABERCROMBIE
GOVERNOR



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PFLUEGER DECISION AFFIRMED BY INTERMEDIATE COURT OF APPEALS

HONOLULU – The Intermediate Court of Appeals today released a decision that upheld the State of Hawaii's indictment of defendant James H. Pflueger on seven counts of manslaughter.

The State charged Pflueger in 2008 with recklessly covering (and not uncovering) the spillway that eventually prevented excess water from safely draining from the Ka Loko Reservoir on Kauai, causing the dam connected to the reservoir to break. Seven people were killed on March 14, 2006, as a result of the ensuing sudden release of approximately 370 million gallons of water.

The circuit court rejected Pflueger's arguments that the State's manslaughter prosecution constituted double jeopardy, that there is insufficient evidence to support the indictment, and that the Hawaii manslaughter statute is unconstitutionally vague as applied.

In today's decision, the ICA affirmed the circuit court's ruling below, and sustained the indictment against Pflueger's legal challenges. "We are pleased with the ICA's ruling, and we intend to continue to vigorously prosecute this case," said Attorney General, David Louie.

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