

DEPARTMENT OF THE ATTORNEY GENERAL

STATE OF HAWAII

STATE OF HAWAII,

Petitioner,

vs.

_____,
(Description of Property)

Defendant.

OWNER(S): _____.
(all interest holders' names)

A. G. NO. _____

VERIFIED PETITION FOR REMISSION
OR MITIGATION

VERIFIED PETITION FOR REMISSION OR MITIGATION

Comes now petitioner, [name] _____, and upon verified petition alleges and states:

1. [name] _____ is a resident of the City and County of Honolulu, State of Hawaii whose residence is [address] _____.

2. Petitioner does not challenge the sufficiency of the evidence to support the forfeiture or the actions of any governmental official but presumes a valid forfeiture and instead asks the Attorney General to invoke the executive power to pardon the property, in whole or in part pursuant to §712A-10(5) to the Hawaii Revised Statutes.

3. Provide a reasonably complete description of the property claimed.

EXHIBIT "1"

4. Specify interest in property, as owner or interest-holder that can be supported by bills of sale, contracts, or mortgages, or other documentary evidence.

5. Petitioner owns or holds an interest in the seized property in the following manner:

6. Petitioner had no knowledge that the property was to would be involved in any violation of the law as indicated by the following facts and circumstances:

7. Petitioner had no knowledge of the particular violation which subjected the property to seizure and forfeiture, as indicated by the following facts and circumstances:

8. Petitioner had no knowledge that the user of the property had any record, including arrests, except when the person was acquitted or the charges dismissed for lack of evidence, for the violation which subjected the property to seizure and forfeiture or for any crime which is similar in nature, as indicated by the following facts and circumstances:

9. Should the Attorney General determine that remission is not warranted, Petitioner requests that the forfeiture should be mitigated, by presenting other extenuating circumstances indicating that some relief should be granted to avoid extreme hardship as follows [specify in detail where applicable]:

- a. language or cultural barrier;
- b. humanitarian factors such as youth or extreme age;
- c. presence of physical or mental disease, disorder or defect;
- d. limited or peripheral criminal culpability;
- e. cooperation with the seizing agency or the prosecuting attorney; and
- f. contributory error on the part of government officials.

10. In further support of the Petition, Petitioner alleges [state any other reason justifying mitigation or remission]:

WHEREFORE, Petitioner requests remission or mitigation by the return of the property claimed.

Dated at Honolulu, Hawaii: _____.

I swear on oath that the foregoing is true and correct.

Executed on ___ of _____, 20__.
(date) (month) (year)

(signature)

(type or print name)

Subscribed and sworn to before me this _ day of _____, 20__.

Sign

Print Name

Notary Public; State of Hawaii

My commission expires: _____