STATE OF HAWAI'I
DEPARTMENT OF THE ATTORNEY GENERAL

ATTORNEY GENERAL
STATE OF HAWAI'I

REPORT IN RESPONSE TO
H.C.R. NO. 267, H.D. 1, ON THE PROGRESS
MADE IN USING CHAPTER 846E,
HAWAI'I REVISED STATUTES, TO RESTORE
PUBLIC ACCESS TO REGISTRATION INFORMATION
REGARDING DANGEROUS PERSONS
CONVICTED OF CERTAIN OFFENSES
AGAINST CHILDREN AND CERTAIN SEXUAL OFFENSES

SUBMITTED TO
THE TWENTY-SECOND LEGISLATURE
STATE OF HAWAI'I
REPORT IN RESPONSE TO H.C.R. NO. 267, H.D. 1, ON THE PROGRESS MADE IN USING CHAPTER 846E, HAWAII REVISED STATUTES, TO RESTORE PUBLIC ACCESS TO REGISTRATION INFORMATION REGARDING DANGEROUS PERSONS CONVICTED OF CERTAIN OFFENSES AGAINST CHILDREN AND CERTAIN SEXUAL OFFENSES

This report is submitted in response to H.C.R. No. 267, H.D. 1, entitled "House Concurrent Resolution Requesting the Attorney General to Report to the Legislature on the Progress Made by the Office of the Attorney General and the Prosecuting Attorneys from the Counties of the State of Hawaii in using Chapter 846E, Hawaii Revised Statutes, to Restore Public Access to Registration Information Regarding Dangerous Persons Convicted of Certain Offenses Against Children and Certain Sexual Offenses."

I. CRITERIA USED TO DECIDE WHICH OFFENDERS TO PURSUE FIRST

At last count there was a backlog of nearly 2,000 offenders who were eligible to be sued for orders allowing public access to their registration information. While each prosecutor's office is free to establish its own criteria for prioritizing the backlog, it has been generally agreed that it is very important to make sure the backlog does not grow. Thus, one priority has been to stay
current by making sure that all newly convicted offenders are served with petitions as soon after conviction as possible.

Because no one set of criteria can accurately predict the dangerousness of a sex offender, the prosecutors’ offices are free to prioritize the cases from the backlog on a case-by-case basis, including considerations such as the severity of the offense (class A felony, class B felony, or class C felony), the offender’s other criminal convictions, and the date of the most recent sexual offense.

II. RESOURCES DEDICATED TO PURSUING HEARINGS

Each prosecutor’s office has designated a deputy prosecuting attorney to the assignment of: (1) drafting petitions for court orders to allow access to offenders records; (2) appearing in circuit court hearings for orders to allow public access to sex offender records; and (3) attending meetings related to these cases. When appropriate, deputy prosecutors with other primary assignments also perform the functions listed above. The Department of the Attorney General has assigned a deputy attorney general to coordinate the efforts of the prosecutors’ offices, a staff member to collect statistics,
and three staff members to coordinate the placement of offenders on the website.

The meetings attended by the above-described personnel are usually one to three hours. In addition to the hours spent at the meetings, each person devotes additional time to specific tasks related to obtaining orders allowing public access to sex offender information. The deputy prosecutor for the City and County of Honolulu works on this project full time (nominally forty hours per week, but actually far more than that), a law clerk is assigned to work fifteen hours per week on the project, and a paralegal works approximately ten hours per week on the project. It is estimated that each of the neighbor island prosecutors spends, on average, approximately ten hours per week on this project. The five employees of the Department of the Attorney General spend, on average, approximately five to twenty hours per week on this project.

III. CHRONOLOGY OF STEPS TAKEN TO USE THE HEARING PROCESS

In 1994, Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act as part of the Federal Violent Crime Control and Law Enforcement Act of 1994. This law required states to implement a sex offender and crimes against

In 1997, Hawaii passed its sex offender registration act, codified as chapter 846E of the Hawaii Revised Statutes, in order to protect the public and to comply with these three federal acts. In 1998, provisions contained in section 115 of the General Provisions of Title I of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (CJSA) amended the requirements of the Wetterling Act to include heightened registration requirements for sexually violent offenders, registration of federal and military offenders, registration of nonresident workers and students, and participation in the National Sex Offender Registry (NSOR). In 2000, the Campus Sex Crimes Prevention Act amended the Wetterling Act to require offenders to report information regarding any enrollment or employment at an institution of higher education. The Campus Sex Crimes Prevention Act
also requires that the police department in the area of the educational institution be provided with this information.

On November 21, 2001, the Hawaii Supreme Court invalidated the notification provisions of Hawaii's sex offender registration law (chapter 846E, Hawaii Revised Statutes) in the case of State of Hawaii v. Eto Bani, 97 Haw. 285, 36 P.3d 1255 (2001). Approximately two months later, in the 2002 legislative session, the Department of the Attorney General proposed a bill that addressed the Bani issue, and proposed other needed changes.

The language of the bill submitted by the Attorney General in 2002 was rewritten, over the Attorney General's objection, in ways that made the notification provisions defective. Therefore, in the 2003 regular session, the Attorney General submitted another bill that corrected these defects and made other necessary changes to chapter 846E. One of the objectionable changes to the 2002 bill was the elimination of language specifying that hearing process created by the bill would be civil proceedings. The 2003 bill included provisions to restore this language.

It is particularly important that the hearings be statutorily designated as civil in nature. In the absence of any statutory designation as civil or criminal, a court
would be required to make its best effort to determine
whether the hearings should be considered civil or
criminal. If the court were to consider the hearings
criminal in nature, the constitutional principles of double
jeopardy and *ex post facto* would prevent public access to
information regarding any of the nearly 2,000 previously
convicted sex offenders (a person cannot have additional
criminal sanctions added after having been sentenced for
the same behavior, nor can a person be criminally
sanctioned for a crime that occurred prior to the statute
proscribing that behavior).

When faced with a statute silent on the issue of
whether the hearings are criminal or civil, it is
distinctly possible the courts could find the hearings to
be criminal in nature and, as a result, public access would
be banned for the nearly 2,000 sex offenders already
convicted. If Hawaii courts had ruled this way, then
Hawaii would be clearly non-compliant with federal sex
offender laws.

The needed amendments were enacted on June 30,
2003. Within two weeks, a working group of representatives
from the four county prosecutors’ offices and from various
divisions of the Department of the Attorney General began
meeting in order to create a procedural framework for
drafting, filing, and serving petitions for orders to allow public access to information on sex offenders, pursuant to the newly enacted provisions of chapter 846E. Individual prosecutors' offices have also organized meetings that included other affected agencies and court personnel within the circuit of the prosecutors' jurisdiction.

On April 6, 2004, the first petition seeking a court order to allow public access to a sex offender's records was filed. On June 22, 2004, the Circuit Court of the First Circuit issued guidelines for processing petitions for public release of sex offender information. The first order allowing public access to a sex offender's information was filed on August 3, 2004. To date, 28 subsequent orders have been filed. These 28 orders are attached as Appendix "A."

IV. RESULTS OF EFFORTS TO USE THE HEARINGS PROCEDURE

As of October 31, 2004, petitions had been filed against approximately 193 sex offenders in Hawaii. Of these 193 petitions, 129 were filed in the First Circuit, 25 in the Second Circuit, 36 in the Third Circuit, and 3 in the Fifth Circuit. The first petition was filed on April 6, 2004. The first hearing was completed on July 19, 2004. Hawaii's website listing sex offenders was reactivated on
August 16, 2004. Many hearings have been held (for example, over 60 hearings in the First Circuit alone). However, to date, final orders have been rendered and filed in only 28 cases. Thus, only 28 offenders are currently listed on the website. The lag time between hearings on the prosecutor's petition and the filing of an order can sometimes be substantial. In one hearing in the First Circuit in November 2004, the judge informed the prosecutor that he would not file the final order until June 2005, even though the presentation of evidence was completed in November.

V. CATEGORIES

The extent to which hearings have been brought and adjudicated to completion is summarized above, and is listed in detail in Appendix "B."

A. Categories of offenses

The number of registered sex offenders convicted of class A felonies is 863, the number convicted of class B felonies is 458, the number convicted of class C felonies is 438, and the number convicted of misdemeanors is 97.

B. Residence

Of the registered sex offenders who reside in Hawaii, 1,052 reside in the City and County of Honolulu,
256 reside in the County of Hawaii, 185 reside in the County of Maui, and 76 reside in the County of Kauai. 41 registered sex offenders are homeless, and 405 registered sex offenders are currently incarcerated.
Appendix A
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

LORETO RABAGO IBON,

Respondent.

S.P. NO. 04-1-0333
(Criminal No. 92-1045)

ORDER PERMITTING PUBLIC
RELEASE OF SEX OFFENDER'S
RELEVANT INFORMATION THAT IS
NECESSARY TO PROTECT THE
PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: November 9, 2004
Time: 8:30 a.m.
Judge: Rhonda A. Nishimura

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 9, 2004, before the Honorable Rhonda A. Nishimura, the State of
Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville, and Respondent who was not present, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter “H.R.S.”) Section 846E-3(d);

2. On April 7, 1994, a jury found Respondent guilty of one (1) count of Sexual Assault in the First Degree pursuant to H.R.S. 707-730(1)(b), six (6) counts of Sexual Assault in the Third Degree pursuant to H.R.S. 707-732(1)(b), and one (1) count of Kidnapping pursuant to H.R.S. 707-720(1)(d);

3. On September 16, 1994 Respondent was sentenced to twenty (20) years of incarceration for the Sexual Assault in the First Degree and Kidnapping counts, with the mandatory minimum of six (6) years and eight (8) months as a Repeat Offender in each count. He was also sentenced to five (5) years of incarceration for the six (6) counts of Sexual Assault in the Third Degree, with a mandatory minimum of one (1) year and eight (8) months, all imprisonment terms to run concurrently;

4. Respondent was sentenced as a Repeat Offender pursuant to H.R.S. 706-606.5 based on his prior conviction for Murder in Cr. No. 56714, on February 18, 1983;

5. Respondent was convicted of “sexually violent offense(s)” as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-732(1)(b);

6. On September 21, 2004, Stephen K.S. Siu, an Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 8846E-3(b);

8. Judge Perkins informed Respondent had to respond to the Petition by October 22, 2004, which was an enlargement of the twenty (20) day time period to respond;

9. Respondent failed to answer, plead, or otherwise defend against the Petition by October 22, 2004;


11. On November 3, 2004, Petitioner filed a Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 8846E-3 (hereinafter “Motion for Default Judgment”);

12. On November 9, 2004, the Honorable Rhonda A. Nishimura granted Petitioner’s Motion for Default Judgment, thereby permitting the public release of Respondent’s relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public;

2. Factors (2) and (6) of H.R.S. 846E-3(d) apply; and
3. The duration of public release of information shall be for the LIFE of the sex offender.


APPROVED AND SO ORDERED:

RHONDA A. NISHIMURA

The Honorable Rhonda A. Nishimura
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Loreto Rabago Ibon.
Respondent

[Signature]

NOV 22 2004
**DEPARTMENT OF THE PROSECUTING ATTORNEY**

**SEX OFFENDER NOTIFICATION**

**AND REPORT TO THE ATTORNEY GENERAL**

**SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS**

 *(Before 5/1/04)*

<table>
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<tr>
<th>DEFENDANT: Loreto Ibon</th>
<th>DPA: Rowena Somerville</th>
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<tr>
<td>CR. NO.: 92-1045</td>
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<tr>
<td>SCT. NO.:</td>
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</tr>
<tr>
<td>CONVICTION DATE: April 7, 1994</td>
<td>CUSTODY STATUS: Not in custody</td>
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<th>D/O</th>
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1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): or. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

2. Deft. has previous sex/other convictions. Cr. No(s): ______
   Fill out new checklist for each case.

3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deff's name.)
   Fill in information above or retrieve information from file (sex offenses only).
   File Location: can't locate file
   If none, check MRRC logs: ______
   Appeal? Ask Appellate staff for file location: ______
   □ File destroyed? ______
   □ File retrieved ______

4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 7-30-04  Received: 8-6-04

5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   For DPA: □ Documents not needed  □ Request documents
   Letter sent: ______  Documents received: ______

6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Minimus.
   If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
   Requested: 6-10-04  Received: 6-16-04
   NOTE: Make a copy of any documents that are not in our case file.

7. PSI: □ In file. □ No. Request from Cheryl Inaway, APD.
   Requested: 6-10-04  Received: 6-15-04

   Requested: 6-10-04  Received: 7-28-04
   ✔ Out of custody  ☐ Custody
   Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.
   ✔ Address same as rap sheet.  ☐ Add'l address: __________

10. To Rowena for approval to file petition.

Cont. with A. or B.

B. PAU CASES:

11. Type Petition (Old Cases) and Return of Service - 1 per ea. case.
   Def's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
   Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
   1. To Rowena to sign.
      Return of Service: make copies after Petition served.
   3. Stamp "Received by" stamp on PA copy.

12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

   Petition filed: 8-24-04. Type SP No. on Return of Service.

13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). 8-25-04

14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
   ADPA (if necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   Note: Temporarily use filed date as hrg. date.
   FILE Location: with you awaiting service of Petition.

15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
    If criminal file was destroyed, open SP file only.
    Hold file until Petition served and Investigator returns Return of Service.

16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
    Print and attach 1st page of Sex Offender rap sheet.
    Date given to ISO: 8-25-04  Served: 9-23-04

17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judge’s copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
    Initial appearance date: 9-23-04
    Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
    SORP (Return of Service). SP No. 04-1-O533

18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD’s copy of Petition and Return of Service at time of the hearing.

19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.

PA 4/12/04
AFTER INITIAL APPEARANCE HEARING:

☑ 20. Hoku: Dispo. SOIA  
    SOP transaction: enter Petition hearing date.

☑ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☑ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.  
    Copies: (5) PA, DA or PD, Deft., Judge, s/o  
    Sent out: 11-9-04.  
    11-18-04 Letter to Judge - no response from respondent - file w/o signature  
    Filed: 11-23-04.  
    Hoku: SOOG or SOOD. Notes: SP No.

☑ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.  
    11-29-04

☐ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).  
    Hoku: FILE Location.  
    If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.  
    If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 17, 2004, before the Honorable Derrick Chan, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Benjamin Balalong, being present and represented by Deputy Public Defender Shirley Kawamura, and the
Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On August 15, 1988, Respondent was convicted of "sexually violent offense(s)" and or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: Attempted Sexual Assault in the First Degree pursuant to H.R.S. Section 707-730;

3. The victim in the case was six (6) years old on the date of the offense;

4. On August 15, 1988, Respondent was sentenced to twenty (20) years of incarceration;

5. Respondent is a "sex offender" who is required to register under chapter H.R.S. §846E;

6. On August 6, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex-Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for November 17, 2004;

7. On September 29, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex-Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;

8. On November 17, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), (4), and (5) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

9. At the hearing on November 17, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
10. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the LIFE of Respondent.


APPROVED AND SO ORDERED:

[Signature]

The Honorable Derrick [Name]
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

[Signature]
Shirley Kawamura
Deputy Public Defender
Attorney for Respondent

NOV 23 2004
DEPARTMENT OF THE PROSECUTING ATTORNEY  
SEX OFENDER NOTIFICATION  
AND REPORT TO THE ATTORNEY GENERAL  
SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS  
(Before 5/1/04)  

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<th>Benjamin Balalong</th>
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<th>Rowena Somerville</th>
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<td>04-1-0228</td>
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<td>SCT. NO.:</td>
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<td>CONVICTION DATE:</td>
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<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
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<tbody>
<tr>
<td>Lesley Ann Puna Kondo</td>
<td>W81464-2</td>
<td>5-31-87</td>
<td>Att. Sexual Assault 1°</td>
<td>A</td>
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1. Print rap sheet (criminal and sex offender full inquiry)  
Highlight conviction(s): cr. no(@); sent. of extended term; sent. of repeat offender; conviction of crime against children.  
(If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(3): __________  
Fill our new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name)  
Fill in information above or retrieve information from file (sex offenses only).  
File Location: MRRC 20-A-92  
If none, check MRRC logs: ________  
Appeal? Ask Appellate staff for file location: ________  
☐ File destroyed? ________  
☐ File retrieved ________

☐ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.  
Requested: ________ Received: ________

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.  
Per DPA: ☐ Documents not needed ☐ Request documents  
Letter sent: ________ Documents received: ________

☐ 6. Request certified “usual” documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.  
If file destroyed & case not in HAJIS, use “Case Not in HAJIS” request form.  
Requested: ________ Received: ________  
NOTE: Make a copy of any documents that are not in our case file.

☐ 7. PSI: ☐ In file. ☐ No. Request from Cheryl Lhomme, APD.  
Requested: ________ Received: ________

Requested: 4-21-04 Received: 5-3-04

☐ Out of custody ☐ Custody: ________  
Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.  
☐ Address same as rap sheet. ☐ Add'l address: ________

☐ 10. To Rowena for approval to file petition.

Cont. with A. or B.

PA 4/12/04
B. PAU CASES:

11. Type Petition (Old Cases) and Return of Service - 1 per gr. no.
   Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
   Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Memorandum)
   1. To Rowena to sign.
   2. Copies: Petition (6): PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o
   Return of Service: make copies after Petition served.
   3. Stamp "Received by" stamp on PA copy.

   Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
   
   Petition filed: 6-29-04. Type SP No. on Return of Service.

13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). 6-30-04

14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
   ADPA (if necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   Note: Temporarily use filed date as brg. date.
   FILE Location: with you awaiting service of Petition.

15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
    If criminal file was destroyed, open SP file only.
    Hold file until Petition served and investigator returns Return of Service.

16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
    Print and attach 1st page of Sex Offender rap sheet.
    Date given to ISD: 6-30-04  Served: 8-12-04

17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
    Initial appearance date: 8-1-04.
    Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
    SOP (Return of Service). SP No.

18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.

PA 4/12/04
AFTER INITIAL APPEARANCE HEARING:

☐ 20. Hoku. Dispo. SOIA
   SOP transaction: enter Petition hearing date.

☐ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☐ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
   Copies: (5) PA, DA or PD, Det. Judge, s/o
   Sent out: 11-18-04. Filed: 11-25-04
   Hoku: SOOG or SOOD. Notes: SP No.

☐ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
   11-20-04

☐ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
   Hoku: FILE Location.
   If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
   If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

THOMAS NOWLIN,

Respondent.

S.P. NO. 04-1-0429
(Criminal No. 04-1-0429)

ORDER PERMITTING PUBLIC
RELEASE OF SEX OFFENDER'S
RELEVANT INFORMATION THAT IS
NECESSARY TO PROTECT THE
PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: November 4, 2004
Time: 10:00 a.m.
Judge: Richard K. Perkins

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 4, 2004, before the Honorable Richard K. Perkins, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Thomas Nowlin, being present and represented by Deputy Public Defender Darcia Forester, and the
Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter “H.R.S.”) Section 846E-3(d);

2. On May 6, 1994, Respondent was convicted of “sexually violent offense(s)” and/or a “criminal offense against a victim who is a minor,” as those terms are defined in H.R.S. §846E-1, to wit: three (3) counts of Sexual Assault in the Third Degree pursuant to H.R.S. 707-732(1)(b);

3. Respondent was sentenced as a repeat offender pursuant to H.R.S. 706-606.5;

4. Respondent was sentenced to an extended term of imprisonment pursuant to H.R.S. 706-661;

5. The victim of the sexual assaults was twelve years of age or younger at the time of the offense;

6. Respondent is a convicted sex offender and is required to register under H.R.S. Chapter 846E;

7. On September 11, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 8846E-3 and an initial appearance was set for November 4, 2004;

8. On November 4, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), (4), (5), and (6) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

9. At the hearing on November 4, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
10. Respondent chose not to contest the public release of his relevant information that is necessary to protect the public;

11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the Respondent.


APPROVED AND SO ORDERED:

RICHARD K. PERKINS
The Honorable Richard K. Perkins
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

DARCIA FORESTER
Darcia Forester
Deputy Public Defender
DEPARTMENT OF THE PROSECUTING ATTORNEY
SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

<table>
<thead>
<tr>
<th>DEFENDANT:</th>
<th>Thomas Nowlin</th>
<th>DPA: Rowena Somerville</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR. NO.:</td>
<td>93-0301</td>
<td>SP NO.: 04-1-0429</td>
</tr>
<tr>
<td>SCT. NO.:</td>
<td>22306</td>
<td>CUSTODY STATUS: Not in Custody</td>
</tr>
<tr>
<td>CONVICTIO</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lindsey Anne Barham</td>
<td>930497773</td>
<td>2-5-93</td>
<td>Sexual Assault 3°</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>93050508</td>
<td>2-5-93</td>
<td>Sexual Assault 3°</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>93050509</td>
<td>2-5-93</td>
<td>Sexual Assault 3°</td>
<td>C</td>
</tr>
</tbody>
</table>

☐ 1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s): ____
   Fill out new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name.)
   Fill in information above or retrieve information from file (sex offenses only).
   File Location:
   If none, check MRRC logs: ______
   Appeal? Ask Appellate staff for file location: ____
   File destroyed? ____
   File retrieved ____

☐ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: _____ Received: _____

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   Per DPA: ____ Documents not needed ____ Request documents
   Letter sent: _____ Documents received: _____

☐ 6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
   If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
   Requested: _____ Received: _____
   NOTE: Make a copy of any documents that are not in our case file.

☐ 7. PSI: ____ In file. ____ No. Request from Cheryl Inouye, APD.
   Requested: _____ Received: _____

   Requested: _____ Received: _____

☐ 9. Deft's custody: check current custody log ______.
   Out of custody ____ Custody: ______
   Last known address: search PRODCICS (ADLA & M55N) & HPD's IQ system.
   Address same as rap sheet. ____ Add'l address: ______

☐ 10. To Rowena for approval to file petition.

PA 4/12/04
B. PAU CASES:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mitimus)
1. To Rowena to sign.
   Return of Service: make copies after Petition served.
3. Stamp "Received by" stamp on PA copy.

☐ 12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summon, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

Petition filed: 10-11-04. Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
10-12-04

☐ 14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
   ADPA (if necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   Note: Temporarily use filed date as hrg. date.
   FILE Location: with you awaiting service of Petition.

☐ 15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
If criminal file was destroyed, open SP file only. Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request. Print and attach 1st page of Sex Offender rap sheet.
Date given to ISD: 10-12-04 Served: 10-29-04

☐ 17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date: 11-4-04
Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
   SORP (Return of Service). SP No.

☐ 18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

☐ 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☑ 20. Hoku: Dispo. SOIA
    SOP transaction: enter Petition hearing date.

☑ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☑ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
    Copies: (5) PA, DA or PD, Deft., Judge, s/o
    Sent out: 11-5-04. Filed: 11-12-04.
    Hoku: SOOG or SOOD. Notes: SP No.

☑ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
    11-12-04

☑ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
    Hoku: FILE Location.
    If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
    If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 1, 2004, before the Honorable Virginia L. Crandall, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Kevin Kurasaki, being present and represented by Deputy Public Defender Debra Loy, and the
Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On June 26, 2000, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1, to wit: eleven (11) counts of Sexual Assault in the Third Degree, pursuant to H.R.S. Section 707-732(1)(b);

3. The offenses occurred when the victim was under the age of twelve (12);

4. On September 10, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 8846E-3 and a hearing was set for November 1, 2004;

5. On October 20, 2004, Respondent filed Respondent’s Answer to State’s Petition for Public Release of Information;

6. On November 1, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

7. At the hearing on November 1, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

8. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the sex offender.

Dated at Honolulu, Hawaii: November 1, 2004.

APPROVED AND SO ORDERED:

[Signature]

The Honorable Virginia L. Crandall
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

/\  /S/ Debra Loy
Debra Loy
Deputy Public Defender

NOV 13 2004
# DEPARTMENT OF THE PROSECUTING ATTORNEY

## SEX OFENDER NOTIFICATION

AND REPORT TO THE ATTORNEY GENERAL

### SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS

(Before 5/1/04)

<table>
<thead>
<tr>
<th>DEFENDANT:</th>
<th>Kevin K. Kurasaki</th>
<th>DPA:</th>
<th>Rowena Somerville</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR. NO.:</td>
<td>99-0590</td>
<td>SP NO.:</td>
<td>04-1-0286</td>
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<td>SCT. NO.:</td>
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<td>CUSTODY STATUS:</td>
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<td>CONVICTION DATE:</td>
<td>6-26-00</td>
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<table>
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<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rachel Loo</td>
<td>99102960</td>
<td>12/25/98 - 1/1/99</td>
<td>Sexual Assault 3°</td>
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<tr>
<td>Rachel Loo</td>
<td>99102093</td>
<td>12/25/98 - 1/1/99</td>
<td>Sexual Assault 3°</td>
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<tr>
<td>Rachel Loo</td>
<td>99102962</td>
<td>12/25/98 - 1/1/99</td>
<td>Sexual Assault 3°</td>
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</tr>
<tr>
<td>Rachel Loo</td>
<td>99102963</td>
<td>12/25/98 - 1/1/99</td>
<td>Sexual Assault 3°</td>
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<tr>
<td>Rachel Loo</td>
<td>99102964</td>
<td>12/25/98 - 1/1/99</td>
<td>Sexual Assault 3°</td>
<td></td>
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<tr>
<td>Rachel Loo</td>
<td>99102965</td>
<td>12/25/98 - 1/1/99</td>
<td>Sexual Assault 3°</td>
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</tr>
<tr>
<td>Rachel Loo</td>
<td>99102967</td>
<td>1/1/99 - 3/18/99</td>
<td>Sexual Assault 3°</td>
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<td>99102070</td>
<td>3/18/99</td>
<td>Sexual Assault 3°</td>
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<td>Rachel Loo</td>
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<td>3/18/99</td>
<td>Sexual Assault 3°</td>
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<td>Rachel Loo</td>
<td>99102969</td>
<td>3/18/99</td>
<td>Sexual Assault 3°</td>
<td></td>
</tr>
<tr>
<td>Rachel Loo</td>
<td>99102968</td>
<td>3/18/99</td>
<td>Sexual Assault 3°</td>
<td></td>
</tr>
</tbody>
</table>

1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): cr. no(s).; sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Dept. has previous sex/other convictions. Cr. No(s): 
   Fill out new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name.)
   Fill in information above or retrieve information from file (sex offenses only).
   File Location: 
   If none, check MRRC logs: 
   Appeal? Ask Appellate staff for file location: 
   ☐ File destroyed? 
   ☐ File retrieved

☐ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 
   Received: 

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   Per DPA: ☐ Documents not needed ☐ Request documents
   Letter sent: 
   Documents received: 

☐ 6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
   If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
   Requested: 
   Received: 
   NOTE: Make a copy of any documents that are not in our case file.

☐ 7. PSI: ☐ in file. ☐ No. Request from Cheryl Inouye, APD.
   Requested: 
   Received: 

PA 4/12/04
from HPD Records.
Requested: Received: ___

9. Deft's custody: check current custody log. ___.
□ Out of custody  □ Custody: ___.
Last known address: search PRODCICS (ADLA & M55N) & HPD's IQ system.
□ Address same as rap sheet. □ Add'1 address: ___

10. To Rowena for approval to file petition.

B. PAU CASES:

11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mitimus)
1. To Rowena to sign.
2. Copies: Petition: (6) PA, PD, Deft.(cert.), Judge Perkins, Legal Docs., s/o
   Return of Service: make copies after Petition served.
3. Stamp "Received by" stamp on PA copy.

   Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute
   only Judge Perkins' copy.

Petition filed: 7-23-04. Type SP No. on Return of Service.

13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).

14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
   ADPA (if necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   □ Add to Waiting list. (If waiting list is full, call the unit to add)
   FILE Location: with you awaiting service of Petition.

15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
If criminal file was destroyed, open SP file only.
   Hold file until Petition served and Investigator returns Return of Service.

16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2)
   have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request.
   Print and attach 1st page of Sex Offender rap sheet.
   Date given to ISD: 7-23-04  Served: 9-16-04.

17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that
   Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his copy of Return of Service to calendar
   initial appearance date (he should have already gotten his copy of Petition).
   Initial appearance date: 9-16-04
   Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
   SORP (Return of Service). SP No.

18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private
   attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

19. File(s) to Rowena for initial appearance hearing.
AFTER INITIAL APPEARANCE HEARING:

☐ 20. Hoku: Dispo. SOIA
   SOP transaction: enter Petition hearing date.

☐ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☐ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
   Copies: (5) PA, DA or PD, Deft., Judge, s/o
   Sent out: 11-2-04, Filed: 11-10-04
   Hoku: SOOG or SOOD. Notes: SP No.

☐ 24. Fax copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn.
   11-19-04

☐ 25. Attach SP file to criminal file and return to criminal file’s original location (record retention stays the same).
   Hoku: FILE Location.
   If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
   If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 4, 2004, before the Honorable Richard K. Perkins, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Rudolph Bailey, being present and represented by Deputy Public Defender Darcia Forester, and the
Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter “H.R.S.”) Section 846E-3(d);

2. On November 9, 1998, Respondent was convicted of “sexually violent offense(s)” and/or a “criminal offense against a victim who is a minor,” as those terms are defined in H.R.S. §846E-1, to wit: Sexual Assault in the Third Degree pursuant to H.R.S. 707-732(1)(e) and Sexual Assault in the Fourth Degree pursuant to H.R.S. 707-733(1)(a);

3. Respondent is a convicted sex offender and is required to register under H.R.S. Chapter 846E;

4. On September 14, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 8846E-3 and an initial appearance was set for November 4, 2004;

5. On November 4, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

7. At the hearing on November 4, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

8. Respondent chose not to contest the public release of his relevant information that is necessary to protect the public;
9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846B-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for a period of ten (10) years.


APPROVED AND SO ORDERED:

[Signature]
RICHARD K. PERKINS
The Honorable Richard K. Perkins
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

[Signature]
DARCIA FORESTER
Darcia Forester
Deputy Public Defender

NOV 12 2004
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

<table>
<thead>
<tr>
<th>DEFENDANT: RUDOLPH BAILEY</th>
<th>DPA: Rowena Somerville</th>
</tr>
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<tbody>
<tr>
<td>CR. NO.: 97-0019</td>
<td>SP. NO.: 04-1-0380</td>
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<tr>
<td>SCT. NO.:</td>
<td>CUSTODY STATUS: Not in Custody</td>
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<tr>
<td>CONVICTION DATE: 11/9/98</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jamie Bailey</td>
<td>97148365</td>
<td>5-1-95 to 5-31-95</td>
<td>Sexual Assault 3°</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>97148366</td>
<td>4-17-97</td>
<td>Sexual Assault 4°</td>
<td>Misc.</td>
</tr>
</tbody>
</table>

☐ 1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s): ______
   Fill out new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft’s name.)
   Fill in information above or retrieve information from file (sex offenses only).
   File Location: ______
   If none, check MRRC logs: ______
   Appeal? Ask Appellate staff for file location: ______
   ☐ File destroyed? ______
   ☐ File retrieved ______

☐ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 8-16-04 Received: 8-16-04

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   Per DPA: ☐ Documents not needed ☐ Request documents
   Letter sent: ______
   Documents received: ______

☐ 6. Request certified “usual” documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
   If file destroyed & case not in HAJIS, use “Case Not in HAJIS” request form.
   Requested: ______
   Received: ______
   NOTE: Make a copy of any documents that are not in our case file.

☐ 7. PSI: ☐ In file. ☐ No. Request from Cheryl Inouye, APD.
   Requested: ______
   Received: ______

   from HPD Records.
   Requested: 8-1-04 Received: 8-9-04

   ☐ Out of custody ☐ Custody: ______
   Last known address: search PRODOCIS (ADLA & M55N) & HPD’s IQ system.
   ☐ Address same as rap sheet. ☐ Add’l address: ______

☐ 10. To Rowena for approval to file petition.

PA 4/12/04
B. PAU CASES:

☑ 11. Type Petition (Old Cases) and Return of Service – 1 per er. no.
Defendant’s address(es) on Certificate of Service: take from rap sheet or sex offender rap sheet or sex offender list or custody check. Multiple addresses: use “AND/OR” between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Minute)
1. To Rowena to sign.
   Return of Service: make copies after Petition served.
3. Stamp “Received by” stamp on PA copy.

   Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute
   only Judge Perkins’ copy.

Petition filed: 9-14-04. Type SP No. on Return of Service.

☑ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly).
   9-14-04

☑ 14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
   ADPA (if necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   Note: Temporarily use filed date as hrg. date.
   FILE Location: with you awaiting service of Petition.

☑ 15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
   If criminal file was destroyed, open SP file only.
   Hold file until Petition served and Investigator returns Return of Service.

☑ 16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2)
   have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial
   appearance given to deft.(4) due date is 30 days from request.
   Print and attach 1st page of Sex Offender rap sheet.
   Date given to ISD: 9-14-04 Served: 10-27-04

☑ 17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that
   Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his copy of Return of Service to calendar
   initial appearance date (he should have already gotten his copy of Petition).
   Initial appearance date: 11-4-04
   Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
   SORP (Return of Service). SP No.

☑ 18. Send out PD’s copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private
   attorney, he/she will get PD’s copy of Petition and Return of Service at time of the hearing.

☐ 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☑ 20. Hoku: Dispo. SOIA
   SOP transaction: enter Petition hearing date.

☑ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☑ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
   Copies: (5) PA, DA or PD, Def., Judge, s/o
   Sent out: 11-6-04, Filed: 11-12-04.
   Hoku: SOOG or SOOD. Notes: SP No.

☑ 24. Fax copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn.
   11-12-04

☐ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
   Hoku: FILE Location.
   If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
   If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

SPENCER NAKAGAWA,

Respondent.

S.P. NO. 04-1-0323

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: November 3, 2004
Time: 11:00 a.m.
Judge: Dexter Del Rosario

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on November 3, 2004, before the Honorable Dexter Del Rosario, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent
Spencer Nakagawa, being present and represented by Jeffrey A. Hawk, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter “H.R.S.”) Section 846E-3(d);

2. On September 17, 1986, Respondent was convicted of “sexually violent offense(s)” and/or a “criminal offense against a victim who is a minor,” as those terms are defined in H.R.S. §846E-1, to wit: two (2) counts of Incest pursuant to H.R.S. 707-741, two (2) counts of Sodomy in the Second Degree pursuant to H.R.S. 707-734(1)(b), and one (1) count of Rape in the Second Degree pursuant to H.R.S. 707-731(1)(a);

3. Respondent is a convicted sex offender and is required to register under H.R.S. Chapter 846E;

4. On September 10, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for November 3, 2004;

5. On October 22, 2004, Respondent filed Respondent’s Answer to State’s Petition for Public Release of Information;

6. On November 3, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

7. At the hearing on November 3, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

8. The Court found that H.R.S. 846E-3(d) is not unconstitutional;
9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846B-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for a period of ten (10) years.


APPROVED AND SO ORDERED:

Dexter D. Del Rosario
The Honorable Dexter Del Rosario
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Jeffrey A. Hawk
Attorney for Respondent

NOV 9 2004
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

DEFENDANT: Spencer Nakagawa
CR. NO.: F86-0020
DPA: Rowena Somerville
SCT. NO.: SP NO.: 04-1-0323
CONVICTION DATE: 9-17-86
CUSTODY STATUS: Not in custody

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathleen Nakagawa</td>
<td>N93903-1</td>
<td>6/1/84-6/30/85</td>
<td>Incest</td>
<td>C</td>
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<tr>
<td>Kathleen Nakagawa</td>
<td>N93903-2</td>
<td>6/1/84-5/1/84</td>
<td>Sodomy 2°</td>
<td>B</td>
</tr>
<tr>
<td>Kathleen Nakagawa</td>
<td>N93903-3</td>
<td>6/1/83-5/1/84</td>
<td>Sodomy 2°</td>
<td>B</td>
</tr>
<tr>
<td>Kathleen Nakagawa</td>
<td>N93903-4</td>
<td>6/85 &amp; 7/85</td>
<td>Rape 2°</td>
<td>B</td>
</tr>
<tr>
<td>Sandra Nakagawa</td>
<td>P04505</td>
<td>6/1/84-9/30/85</td>
<td>Incest</td>
<td>C</td>
</tr>
</tbody>
</table>

1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s):
   Fill out new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft’s name.)
   Fill in information above or retrieve information from file (sex offenses only).
   File Location:
   If none, check MRRC logs:
   Appeal? Ask Appellate staff for file location:
   ☑ File destroyed?
   ☐ File retrieved

☐ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 8/11/04  Received: 8/11/04

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   Per DPA: ☐ Documents not needed  ☐ Request documents
   Letter sent: Documents received:

☐ 6. Request certified “usual” documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Minimus.
   If file destroyed & case not in HAJS, use “Case Not in HAJS” request form.
   Requested: 4/21/04  Received: 6/18/04
   NOTE: Make a copy of any documents that are not in our case file.

☐ 7. PSI: ☐ In file. ☐ No. Request from Cheryl Inouye, APD.
   Requested: 4/20/04  Received: 6/28/04

   from HPD Records.
   Requested: 4/21/04  Received: 5-3-04

   ☑ Out of custody
   ☐ Custody:
   Last known address: search PRODCICS (ADLA & M5SN) & HPD’s LIQ system.
   ☐ Address same as rap sheet. ☐ Add’l address:

☐ 10. To Rowena for approval to file petition.

PA 4/12/04
B. PAU CASES:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. na.
Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Monitis). 
1. To Rowena to sign.
   Return of Service: make copies after Petition served.
3. Stamp "Received by" stamp on PA copy.

☐ 12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

Petition filed: 8-12-04. Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
8-13-04

☐ 14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
   ADPA (if necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   Note: Temporarily replace data as hrg. date. 
   FILE Location: with you awaiting service of Petition.

☐ 15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). 
   Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Deft.: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) Due date is 30 days from request.
   Print and attach 1st page of Sex Offender rap sheet.
   Date given to ISD: 8-13-04 Served: 9-10-04

☐ 17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o
   File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
   Initial appearance date: 9-16-04
   Hoku: SORA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
   SORP (Return of Service). SP No.

☐ 18. Send out PD’s copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

☐ 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☐ 20. Hoku: Dispo. SOIA
SOP transaction: enter Petition hearing date.

☐ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☐ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
Copies: (5) PA, DA or PD, Deft., Judge, s/o
Sent out: 11-4-04. Filed: 11-9-04.
Hoku: SOOG or SOOD. Notes: SP No.

☐ 24. Fax copy of Order and this form to Norma Uono, HCIDC, for completion and transmittal to Kurt Spohn.
11-18-04

☐ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
Hoku: FILE Location.
If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, 

Petitioner.

v.

DOMINADOR V. GODOY,

Respondent.

S.P. NO. 04-1-0217
(Criminal No. 60353)
ORDER PERMITTING PUBLIC
RELEASE OF SEX OFFENDER’S
RELEVANT INFORMATION THAT IS
NECESSARY TO PROTECT THE
PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: October 25, 2004
Time: 11:00 am.
Judge: Steven S. Alm

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 25, 2004, before the Honorable Steven S. Alm, the State of Hawaii
being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Dominador V. Godoy who was not present, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On May 28, 1985, Respondent pleaded no contest to two (2) counts of Sexual Abuse in the First Degree, and the reduced charge of Rape in the Second Degree;

3. The victim in the case was twelve (12) years of age or younger at the time of the offense;

4. On September 13, 1985 Respondent was sentenced to five (5) years of incarceration for the two (2) counts of Sexual Abuse in the First Degree, and ten (10) years of incarceration for Rape in the Second Degree;

5. Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1;

6. On August 10, 2004, James Nelson, an Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b).


8. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;
9. On September 1, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;

10. On September 7, 2004, Petitioner filed a Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter "Motion for Default Judgment"), and it was delivered via certified mail on September 8, 2004;


13. Respondent failed to answer, plead, or otherwise defend against the Petition by October 11, 2004 or thereafter;

14. On October 25, 2004, the Respondent failed to appear at the Hearing on the Petition and Motion for Default Judgment;

15. On October 25, 2004, the Honorable Steven S. Alm granted Petitioner's Motion for Default Judgment, thereby permitting the public release of Respondent's relevant information that is necessary to protect the public and therefore entering the following orders;
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and.

2. The duration of public release of information shall be for the LIFE of the sex offender.


APPROVED AND SO ORDERED:

STEVEN S. ALM
The Honorable Steven S. Alm
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

DOMINADOR V. GODOY
Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

DEFENDANT: Dominador V. Godoy
CR. NO.: 60353
DPA: Rowena Somerville
SP NO.: 04-1-0217

SCT. NO.:
CONVICTION DATE: 9-13-85
CUSTODY STATUS: Not in custody

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
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<td>E96388, 96424, 96424-1</td>
<td>12/83, 12/83 &amp; 4/21/84</td>
<td>Sexual Abuse 1° (2 counts), Rape 2°</td>
<td></td>
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</tbody>
</table>

1. Print rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): cr. no(s):; sent. of extended term; sent. of repeat offender; conviction of crime against children.
(If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s): ______
   Fill out new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft.’s name.)
   Fill in information above or retrieve information from file (sex offenses only).
   File Location: ______
   If none, check MRRC logs: ______
   Appeal? Ask Appellate staff for file location: ______
   ☐ File destroyed? ______
   ☐ File retrieved ______

☐ 4. Request NCIC printout from JSD. Route to DPA to highlight applicable convictions, if any.
   Requested: ______ Received: ______

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   Per DPA: ☐ Documents not needed ☐ Request documents
   Letter sent: ______ Documents received: ______

   If file destroyed & case not in HAJIS, use “Case Not in HAJIS” request form.
   Requested: ______ Received: ______
   NOTE: Make a copy of any documents that are not in our case file.

☐ 7. PSI: ☐ In file. ☐ No. Request from Cheryl Inouye, APD.
   Requested: ______ Received: ______

   Requested: 4-21-04 Received: 5-3-04

☐ 9. Deft’s custody: check current custody log. ______
    ☐ Out of custody ☐ Custody: ______
    Last known address: search PRODICS (ADLA & M55N) & HPD’s IIQ system.
    ☐ Address same as rap sheet. ☐ Add’l address: ______

☐ 10. To Rowena for approval to file petition.

PA 4/12/04
B. PAU CASES:

11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
   Deft’s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody
   check. Multiple addresses: use “AND/OR” between addresses.
   Attach Exhibits 1 (cert. Indigecm/Complaint) and 2 (cert. Judgment/Mittimus)
   1. To Rowena to sign.
      Return of Service: make copies after Petition served.
   3. Stamp “Received by” stamp on PA copy.

    Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute
    only Judge Perkins’ copy.

Petition filed: 6-28-04. Type SP No. on Return of Service.

13. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly). 6-30-04

14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
    ADPA (if necessary)
    SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
    Note: Temporarily use filed date as hrg. date.
    FILE Location: with you awaiting service of Petition.

15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
    If criminal file was destroyed, open SP file only.
    Hold file until Petition served and Investigator returns Return of Service.

16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2)
    have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial
    appearance given to deft. (4) due date is 30 days from request.
    Print and attach 1st page of Sex Offender rap sheet.
    Date given to ISD: 6-30-04 Served: 8-10-04

17. Copies of Return of Service: (6) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that
    Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his copy of Return of Service to calendar
    initial appearance date (he should have already gotten his copy of Petition).
    Initial appearance date: 8-12-04
    Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
    SOPR (Return of Service). SP No.

18. Send out PD’s copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private
    attorney, he/she will get PD’s copy of Petition and Return of Service at time of the hearing.

19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☑ 20. Hoku: Dispo. SQIA
    SOP transaction: enter Petition hearing date.

☑ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☑ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
    Copies: (5) PA, DA or PD, Def., Judge, s/o
    Sent out: ____  Filed: 11-2-04
    Hoku: SOOG or SOOD. Notes: SP No.

☑ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
    11-18-04

☑ 25. Attach SP file to criminal file and return to criminal file’s original location (record retention stays the same).
    Hoku: FILE Location.
    If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
    If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 19, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent,
being present and represented by Deputy Public Defender Tyrus S. Buyama, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. **The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter “H.R.S.”) Section 846E-3(d);**

2. **On October 19, 2004, Respondent was convicted of “sexually violent offense(s)” and/or a “criminal offense against a victim who is a minor” as those terms are defined in H.R.S. §846E-1, to wit: four (4) counts of Sexual Assault in the First Degree pursuant to H.R.S. Section 707-730(1)(c), and three (3) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(c);**

3. **Respondent is a “sex offender” who is required to register under chapter H.R.S. §846E;**

4. **The victim in the case was fourteen (14) years of age or younger at the time of the offense;**

5. **The offense resulted in Respondent being sentenced as a repeat offender pursuant to H.R.S. Section 706-606.5;**

6. **Respondent has inexcusably failed to comply with previously imposed terms and conditions of probation;**

7. **On June 23, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for October 19, 2004;**

8. **On July 15, 2004, Respondent filed a Response to the State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3:**
9. On October 19, 2004, a hearing was held wherein the State of Hawaii proved by a
preponderance of the evidence paragraphs (2), (3), (4), (5) and (6) above, thereby giving rise to the
presumption that public release of relevant information regarding the sex offender is necessary to
protect the public;

10. At the hearing on October 19, 2004, Respondent was given an opportunity to rebut
said presumption and to show that he does not represent a threat to the community and that public
release of relevant information is not necessary;

11. The Court found that Respondent does represent a threat to the community and that
public release of relevant information regarding the sex offender is necessary to protect the public
and therefore enters the following orders:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. § 846B-3 shall
   be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the LIFE of the Respondent.


APPROVED AND SO ORDERED

Karl K. Sakamoto
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Tyrus S. Buyama
Deputy Public Defender
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS
(After 5/1/04)

| DEFENDANT: Wilfred H. Tollefsen, III | DPA: Rowena Somerville |
| CR. NO.: 03-1-2381 | SP NO.: 04-1-0207 |
| SCT. NO.: | |
| CONVICTION DATE: 6/23/04 | CUSTODY STATUS: OCCC |

<table>
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<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
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<td>same</td>
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<td>same</td>
<td>Sex Assault 3</td>
<td>C</td>
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<td>C</td>
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AFTER A&P:

1. Print rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
(If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

2. Deft. has previous sex/other convictions. Cr. No(s): Does not apply
Fill out new checklist for each case.

3. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 6/18/04 Received: 6/21/04

   Per DPA: Documents not needed Request documents
   Letter sent: Does not apply Documents received:

5. Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).


   Out of custody Custody: OCCC
   Last known address: search PRODCICS (ADLA & MS5N) & HPD's IIQ system.
   Address same as rap sheet. Add'l address:

8. Type Petition (Old Cases) and Return of Service - 1 per cr. no.
   Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.

PA 4/12/04
Attach Exhibit 1 (cert. Indictment/Complaint).
1. To Rowena to sign.
2. Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o
   Return of Service: make copies after Petition filed.
3. Stamp “Received by” stamp on PA copy.

☐ 9. Place Petition and copies in manila envelope, stamp “Sex Offender Petition packet” on envelope and leave in criminal file.
   Keep s/o for yourself.

Cont. with A, B, or C.

A. COP SET:

☐ 10. Inform Rowena of COP date.

☐ 11. At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance
   on the same date as sentence; and (2) request Messenger to return all copies except Judge’s copy. Judge’s clerk will sign
   Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who
   will assign SP No., file-stamp document, and distribute only Judge’s copy.

Petition filed: 6/30/04. Type SP No. on Return of Service.

☐ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)
   6/24/04.

☐ 13. Hoku: SOP (Sex Offender Petition) Notes: Enter SP No. in detail screen and Notes field.
     Note: Temporarily use filed date as hearing date.
     SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☐ 14. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).

☐ 15. Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER COP HEARING):

☐ 16. DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition.
     DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o

☐ 17. Dispo. Hoku: Sentence Date: 10/19/04
     Hoku: Dispo. SOIA and SOP (enter hearing date)
     Add: SORP (Return of Service). SP No.

☐ 18. Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

☐ 19. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING.

B. START OF TRIAL:

☐ 10. Inform Rowena when trial starts.

INITIAL APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):

☐ 11. DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date
     and time, conform copies, file in open court, and certify deft’s copy.

PA 4/12/04
DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.
DPA will fill out SP No. on Return of Service, complete form, and return to you for filing.
Copies: (5) PA, DA or PD, Judge, Deft., s/o

Petition filed: _____

☐ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

☐ 13. Sentence Date: _____
Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.
SORP (Return of Service). Notes: SP No.

☐ 14. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

(Note: Indictment/Complaint was probably already obtained.)

☐ 16. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING.
C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

☐ 10. Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: _____ Type SP No. on Return of Service.

☐ 11. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

☐ 12. Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☐ 13. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

☐ 14. Place filed Petition and Return of Service with copies in SP file for Rowena to take to Sentence hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

☒ 15. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.

DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o

Court will set Petition hearing date.

☒ 16. Hoku: Dispo. SOIA

Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.

SOP (Return of Service). Notes: SP No.

☒ 17. Return file to Rowena for petition hearing.

AFTER PETITION HEARING:


☒ 21. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.

Copies: (6) PA, DA or PD, Deft., Judge, s/o

Sent out: 10/12/04. Filed: 11/8/04.

Hoku: SOOG or SOOD. Notes: SP No.

☒ 22. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn. 11/19/04

☒ 23. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).

Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.

If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PA 4/12/04
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, )

Petitioner. )

v. )

MICHAEL HIRATA, )

Respondent. )

S.P. NO. 04-1-0244
(Criminal No. F03-1-0019)

ORDER PERMITTING PUBLIC
RELEASE OF SEX OFFENDER'S
RELEVANT INFORMATION THAT IS
NECESSARY TO PROTECT THE
PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: August 25, 2004
Time: 9:00 a.m.
Judge: Michael D. Wilson

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on August 25, 2004, before the Honorable Michael D. Wilson, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Michael Hirata, being present and represented by Deputy Public Defender William H. Jameson, Jr.,
and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On May 14, 2004, Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the Second Degree, H.R.S. Section 707-731(1)(a);

3. The victim was under the age of twelve (12) on the date of offense;

4. On August 25, 2004, Respondent was sentenced to ten (10) years of incarceration as to each count, to run concurrently;

5. On November 15, 1979, in the Third Circuit, State of Hawaii, Cr. No. 5962, Respondent was sentenced for Kidnapping, Assault in the First Degree, and Sexual Abuse in the First Degree;

6. On October 18, 2002, in the Third Circuit, State of Hawaii, Cr. No. 00-1-0260, Respondent was sentenced for Sexual Assault in the Third Degree and Failure to Register a Change of Registration Information;

7. On July 12, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for August 25, 2004;

8. On August 2, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;

9. On August 25, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), (4), (5), and (6) above, thereby giving rise to the
presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

10. At the hearing on August 25, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the sex offender.


APPROVED AND SO ORDERED:

MICHAEL D. WILSON
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

William H. Jameson, Jr.
Deputy Public Defender
Attorney for Respondent
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAI I,

Petitioner.

v.

SOPHORN VONG,

Respondent.

S.P. NO.: 04-1-0293
(CR. No. 04-1-0959)

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: October 12, 2004
Time: 10:00 a.m.
Judge: Karl K. Sakamoto

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 12, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent, being present and represented by Deputy Public Defender Ronette M. Kawakami specially appearing
for Deputy Public Defender Jerry A. Villanueva, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On October 12, 2004 Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the First Degree pursuant to H.R.S. Section 707-730(1)(b); and three (3) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(b);

3. Respondent is a "sex offender" who is required to register under chapter H.R.S. §846E;

4. The victim in the case was thirteen (13) years of age at the time of the offense;

5. On September 8, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 846E-3 and a hearing was set for October 12, 2004;

6. On September 16, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 846E-3;

7. On October 12, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
8. At the hearing on October 12, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for a period of ten (10) years commencing upon the release of Respondent from incarceration.


APPROVED AND SO ORDERED

Karl K. Sakamoto
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

RONETTE M. KAWAKAMI

Ronette M. Kawakami
Deputy Public Defender
Attorney for Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION

AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS

(Before 5/1/04)

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<tr>
<th>DEFENDANT: SOPHORN VONG</th>
<th>DPA: Rowena Somerville</th>
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<td>CR. NO.: 04-1-0959</td>
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1. Print rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
(If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s): ______
Fill out new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft’s name.)
Fill in information above or retrieve information from file (sex offenses only).
File Location: ______
If none, check MRRC logs: ______
Appeal? Ask Appellate staff for file location: ______
☐ File destroyed? ______
☐ File retrieved ______

☐ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
Requested: 7-14-04    Received: 7-16-04

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
Per DPA: ☐ Documents not needed   ☐ Request documents
Letter sent: ______  Documents received: ______

☐ 6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
Requested: 7-14-04    Received: 7-15-04
NOTE: Make a copy of any documents that are not in our case file.

☐ 7. PSI: ☑ In file.   ☐ No. Request from Cheryl Inouye, APD.
Requested: ______    Received: ______

Requested: ______    Received: ______

☐ Out of custody   ☐ Custody: Federal Detention Center

PA 4/12/04
Last known address: search PRODCICS (ADLA & M55N) & HPD’s IQ system.
☐ Address same as rap sheet. ☐ Add’l address: ______

☒ 10. To Rowena for approval to file petition.

Cont. with A. or B.

A. SENTENCE or POST-SENTENCE – MORE THAN 30 DAYS:

☒ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Deft’s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mitiimus)
1. To Rowena to sign.
3. Stamp "Received by" stamp on PA copy.

☒ 12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judges’ copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges’ copies.

Petition filed: 7-26-04. Type SP No. on Return of Service.

☒ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

☒ 14. Hok: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen.
Hearing date: use upcoming sentence date or hrg. date.

☒ 15. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
Hold file until Petition served and Investigator returns Return of Service.

☒ 16. Serve Petition on Deft.: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.
Attach Deft.’s detail screen from Hok.
Date given to ISD: 7-27-04 Served: 9-8-04

☒ 17. Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date: 9-16-04; 10-08; Judge Perkins
Hok: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
SOTP (Return of Service). Notes: SP No.

☒ 18. Send out PD’s copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Private and Return of Service in file.

☒ 19. SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service. Criminal file to DPA.

Cont. with 20.

PA 4/12/04
B. PAU CASES:

☐ 11. Type Petition (Old Cases) and Return of Service — 1 per cr. no.
Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use “AND/OR” between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
1. To Rowena to sign.
   Return of Service: make copies after Petition served.
3. Stamp "Received by" stamp on PA copy.

   Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

   Petition filed: _____. Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).

☐ 14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
   ADPA (if necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   Note: Temporarily use filed date as hrg. date.
   FILE Location: with you awaiting service of Petition.

☐ 15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
   If criminal file was destroyed, open SP file only.
   Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request.
   Attach Dft.'s detail screen from Hoku.
   Date given to ISD: _______ Served: _______

☐ 17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
   Initial appearance date:
   Hoku: SOLA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
   SORP (Return of Service). SP No.

☐ 18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

☐ 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☑ 20. Hoku: Dispo. SOIA
   SOP transaction: enter Petition hearing date.

☐ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☑ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
   Copies: 5 PA, DA or PD, Deft., Judge, s/o
   Sent out: 10-12-04, Filed: 10-21-04.
   Hoku: SOOG or SOOD. Notes: SP No.

☐ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
   10-22-04

☐ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
   Hoku: FILE Location.
   If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
   If there is only an SP file, retention will be 10 yrs. and case filed before FCNos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

MATIAS ULANGCA, JR.,

Respondent.

S.P. NO. 04-1-0176
(Criminal No. 02-1-2524)

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3(B)

Hearing: July 19, 2004
Time: 10:45 a.m.
Judge: Derrick H.M. Chan

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3(B)

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b), having come on for hearing on July 19, 2004, before the Honorable Derrick H.M. Chan, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Matias Ulangca, Jr., being present and represented by Deputy Public Defender Jerry A. Villanueva, and the
Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On March 17, 2004, Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-733(1)(a);

3. On March 17, 2004, Respondent was sentenced as a "repeat offender" pursuant to H.R.S. Section 706-606.5;

4. On May 27, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b) and a hearing was set for July 19, 2004;

5. On July 16, 2004, Respondent filed a Response to the State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b);

6. On July 19, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

7. At the hearing on July 19, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

8. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3(b) shall be publicly released in order to protect the public; and
2. The duration of public release of information shall be for the life of the sex offender.


APPROVED AND SO ORDERED:

DERRICK H.M. CHAN
The Honorable Derrick H.M. Chan
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

JERRY A. VILLANUEVA
Jerry A. Villanueva
Deputy Public Defender
Attorney for Respondent Ulangca
DEPARTMENT OF THE PROSECUTING ATTORNEY
SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE & POST-SENTENCE-MORE THAN 30 DAYS/
PAU CASES BEFORE 5/1/04

DEFENDANT: MATTIAS THANGCA, JR. DPA: Rowena A. Somerville
CR. NO. 02-1-2524 SP NO. 04-1-0176

<table>
<thead>
<tr>
<th>SC No.</th>
<th>Conviction Date</th>
<th>Custody Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11-12-03</td>
<td>Halawa Correctional Facility</td>
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</table>

<table>
<thead>
<tr>
<th>Victim</th>
<th>Rpt. No.</th>
<th>D/O</th>
<th>Charge</th>
<th>Class</th>
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<tbody>
<tr>
<td>Maile Busano-Leleo</td>
<td>01868668</td>
<td>12-20-01</td>
<td>Sex. Assault 2°</td>
<td>B</td>
</tr>
</tbody>
</table>

[X1]. Run rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): or. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children. (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

[X2]. Deft. has previous sex/other convictions. Cr. No(s):
Retrieval file(s), obtain cert. documents, PSI, and cert. HPD rpts. for ALL cases.

[X3]. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name.)
Fill in information above or retrieve information from file (sex offenses only).
File Location:
If none, check MRRC logs:
Appeal? Ask Appellate staff for file location:
[X] File destroyed?
[X] File retrieved

[X4]. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
Requested: 5-14-04 Received: 5-14-04

[X5]. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
Per DPA: [ ] Documents not needed [ ] Request documents
Letter sent: __________________ Documents received: __________________

[X6]. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Memorandum.
If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
Requested: 5-14-04 Received: 5-14-04
NOTE: Make a copy of any documents that are not in our case file.

[X7]. PSI: [X] in file. [ ] No. Request from Cheryl Inouye, ACS.
Requested: 3-3-04 Received: 3-3-04

Requested: Received: 2-13-02
Xerox 1 copy (to be redacted). Leave in file.
A. SENTENCE/POST-SENTENCE - MORE THAN 30 DAYS:

[ ] 11. Submit Petition for filing: On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.

Petition filed: ______________________________ Type SP No. on Return of Service.

[ ] 12. Copy of 1st page of filed Petition to Kurt Spohn, AG's Office; send via Circuit Court jacket (to be sent weekly).

[ ] 13. Hoku: SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen.

Hearing dates: use upcoming sentence date or hrg. date.

[ ] 14. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). Hold file until Petition served and Investigator returns Return of Service.

[ ] 15. Serve Petition on Deflt: use Sex Offender ISD Request form to have Investigator (1) serve petition on deflt. by due date (30 days before hearing date); (2) have deflt. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deflt.

Date given to ISD: ______________________________ Served: ______________________________

[ ] 16. Copies of Return of Service: (6) PA, DA, Deflt., Hrg. Judge, Judge Perkins, s/o. File Return of Service. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).

Initial appearance date: ______________________________

Hoku: SORIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen.

SOMP (Return of Service). Notes: of Sex Offender Petition. SP No.

[ ] 17. Copy of Petition & Return of Service to PD's Office, Susan Amett: send via Circuit Court jacket.

[ ] 18. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service.

Cont. with 19.
H. PAU CASES:


Petition filed: 5-20-04 Type SP No. on Return of Service.

[X]12. Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).

ADPA (if necessary)
SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen.
Note: Temporarily use filed date as bkg. date.
FILE Location: with you awaiting service of Petition.

[X]14. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only.
Hold file until Petition served and Investigator returns Return of Service.

[X]15. Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
Date given to ISD: 5-21-04 Served: 5-27-04

[X]16. Copies of Return of Service: (5) PA, DA, Deft., Judge Perkins, s/a. File Return of Service. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date:
Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen.
SORP (Return of Service). Notes: of Sex Offender Petition. SP No.

[X]17. Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket.

[X]18. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service. If DPA no longer with the office, give both criminal and SP files to Rowena.

Cont. below.

AFTER INITIAL APPEARANCE HEARING:

[X]19. Hoku: Dispo. SOIA
SOP transaction: enter Petition hearing date.


AFTER PETITION HEARING:


[X]22. Type Order Permitting or Order Denying.
Hoku: SOOG or SOOD. Notes: SP No.

[X-]23. Internet posting date: 5/14/04

[X]24. Send copy of order and this form to: Ueno for completion & transmittal to Kurt Spohn via Circuit Court jacket (to be sent weekly):

[X]25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
Hoku: FILE Location.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, )  S.P. NO. 04-1-0230
    Petitioner. )  )  )  (CR. No. 04-1-0714 )

v. )  )  )  )

ANACITO A. DALUMPINIS, )  ORDER PERMITTING PUBLIC
    Respondent. )  RELEASE OF SEX OFFENDER'S

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: October 8, 2004
Time: 8:30 a.m.
Judge: Karl K. Sakamoto

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 8, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent,
being present and represented by Deputy Public Defender Jerry A. Villanueva, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On August 31, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(c);

3. Respondent is a "sex offender" who is required to register under chapter H.R.S. §846E;

4. The victim in the case was fourteen (14) years of age at the time of the offense;

5. On August 31, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 8846E-3 and a hearing was set for October 8, 2004;

6. On September 13, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 8846E-3;

7. On October 8, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

8. At the hearing on October 8, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for a period of ten (10) years.


APPROVED AND SO ORDERED:

Karl K. Sakamoto
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

JERRY A. VILLANUEVA
Jerry A. Villanueva
Deputy Public Defender
Attorney for Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY
SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

DEFENDANT: Anacito A. Dalumpinis  DPA: Rowena Somerville
CR. NO.: 04-1-0714  SP NO.: 04-1-0230
SCT. NO.:  CONVICTION DATE: 8-31-04  CUSTODY STATUS: OCCC

<table>
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<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
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<tbody>
<tr>
<td>Sandra Dalumpinis</td>
<td>04-075537</td>
<td>2-21-04</td>
<td>Sex Assault 3°</td>
<td>C</td>
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<td></td>
<td>04-140230</td>
<td>2-21-04</td>
<td>Sex Assault 3°</td>
<td>C</td>
</tr>
</tbody>
</table>

☐ 1. Print rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
(If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s): _____
Fill out new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft’s name.)
Fill in information above or retrieve information from file (sex offenses only).
File Location: _____
If none, check MRRC logs: _____
Appeal? Ask Appellate staff for file location: _____
☐ File destroyed? _____
☐ File retrieved _____

☐ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
Requested: 6-17-04 Received: _____

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
Per DPA: ☐ Documents not needed ☐ Request documents
Letter sent:_____. Documents received: _____

If file destroyed & case not in HAJIS, use “Case Not in HAJIS” request form.
Requested: 6-23-04 Received: _____
NOTE: Make a copy of any documents that are not in our case file.

☐ 7. PSI: ☐ In file. ☐ No. Request from Cheryl Inouye, APD.
Requested: _____ Received: _____

from HPD Records.
Requested: _____ Received: _____

☐ 9. Deft’s custody: check current custody log. 6-22-04
☐ Out of custody ☐ Custody: _____
Last known address: search PRODCICS (ADLA & M55N) & HPD’s IIQ system.
☐ Address same as rap sheet. ☐ Add’l address: _____

☐ 10. To Rowena for approval to file petition.

PA 4/12/04
Cont. with A. or B.

A. SENTENCE or POST-SENTENCE – MORE THAN 30 DAYS:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Deft’s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use “AND/OR” between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus)
1. To Rowena to sign.
3. Stamp “Received by” stamp on PA copy.

☐ 12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judges’ copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges’ copies.

Petition filed: ___. Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

☐ 14. Holku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen.
Hearing date: use upcoming sentence date or hrg. date.

☐ 15. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.
Print and attach 1st page of Sex Offender rap sheet.
Date given to ISD: _____ Served: _____

☐ 17. Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date: 8-31-04
Holku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
SORP (Return of Service). Notes: SP No.

☑ 18. Send out PD’s copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.

☑ 19. SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service.
Criminal file to DPA.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA
    SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

22. Hoku: Dispo. SOP (Petition hearing). Disposition: 10-8-04

23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
    Copies: (5) PA, DA or PD, Dft., Judge, s/o
    Sent out: _______  Filed: 10-18-04
    Hoku: SOOG or SOOD. Notes: SP No.

24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
    10-26-04

25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
    Hoku: FILE Location.
    If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
    If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

STATE OF HAWAII,

Petitioner,

v.

WARREN L. HANEY, JR.,

Respondent.

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: October 27, 2004
Time: 8:30 a.m.
Judge: Michael A. Town

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 27, 2004, before the Honorable Michael A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent WARREN L. HANEY, JR., being present and represented by Deputy Public Defender Travis J.L.
Stephens, Jr. and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: three (3) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(b), and one (1) count of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(c);

3. The victim was under the age of twelve (12) on the date of offense in three of the counts;

4. On October 27, 2004, Respondent was sentenced to five (5) years probation as to each count, with ninety (90) days of incarceration, to run concurrently;

5. On August 23, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for October 27, 2004;

6. On September 2, 2004, Respondent filed a Response to the State of Hawaii's Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;

7. On October 27, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
8. At the hearing on October 27, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the sex offender.


APPROVED AND SO ORDERED:

MICHAEL A. TOWN
The Honorable Michael A. Town
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

TRAVIS J.L. STEPHENS, JR
Travis J.L. Stephens, Jr.
Deputy Public Defender
Attorney for Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS
(After 5/1/04)

DEFENDANT: HANEY JR., Warren L.
DPA: Rowena Somerville
CR. NO.: F04-1-0014
SP. NO.: 04-1-0014
SCT. NO.: 
CONVICTION DATE: 08-23-04
CUSTODY STATUS: OCCC

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<tr>
<th>VICTIM</th>
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<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
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<td>Dayna Haney</td>
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<td>C</td>
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<tr>
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<td>03225957</td>
<td>6/4/03</td>
<td>SA3°</td>
<td>C</td>
</tr>
</tbody>
</table>

AFTER A&P:

☒ 1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s): ______
   Fill out new checklist for each case.

☒ 3. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: ______  Received: ______

   Per DPA: ☐ Documents not needed ☐ Request documents
   Letter sent: ______  Documents received: ______

☒ 5. Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).


☒ 7. Deft's custody: check current custody log. ______
   ☒ Out of custody ☐ Custody: ______
   Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.
   ☒ Address same as rap sheet. ☐ Add'l address: ______

☒ 8. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
   Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
   Attach Exhibit 1 (cert. Indictment/Complaint).
   1. To Rowena to sign.
   2. Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o
   Return of Service: make copies after Petition filed.
   3. Stamp "Received by" stamp on PA copy.

☒ 9. Place Petition and copies in manila envelope, stamp "Sex Offender Petition packet" on envelope and leave in criminal file.
   Keep s/o for yourself.

PA 4/12/04
Cont. with A, B, or C.

A. COP SET:

☐ 10. Inform Rowena of COP date.

☐ 11. At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge’s copy. Judge’s clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge’s copy.

Petition filed: 9/23/04. Type SP No. on Return of Service.

☐ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

☐ 13. Hoku: SOP (Sex Offender Petition) Notes: Enter SP No. in detail screen and Notes field. Note: Temporarily use filed date as hearing date. SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☐ 14. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).

☐ 15. Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE IMMEDIATELY AFTER COP HEARING:

☐ 16. DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o


☐ 18. Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

☐ 19. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING.

B. START OF TRIAL:

☐ 10. Inform Rowena when trial starts.

INITIAL APPEARANCE IMMEDIATELY AFTER GUILTY VERDICT:

☐ 11. DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deff.'s copy. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill our SP No. on Return of Service, complete form, and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o

Petition filed: 

☐ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

PA 4/12/04
☐ 13. Sentence Date: _____
   Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
   Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.
   SORP (Return of Service). Notes: SP No.

☐ 14. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

   (Note: Indictment/Complaint was probably already obtained.)

☐ 16. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING.

______________________________________________

PA 4/12/04
C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

☐ 10. Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge’s copy. Judge’s clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge’s copy.

Petition filed: 8/23/04. Type SP No. on Return of Service.

☐ 11. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

☐ 12. Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☐ 13. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

☐ 14. Place filed Petition and Return of Service with copies in SP file for Rowena to take to Sentence hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

☐ 15. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.

DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Def., s/o

Court will set Petition hearing date.

☐ 16. Hoku: Dispo. SOIA

Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.

SORP (Return of Service). Notes: SP No.

☐ 17. Return file to Rowena for petition hearing.

______________________________

AFTER PETITION HEARING:


☐ 21. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.

Copies: (6) PA, DA or PD, Deft., Judge, s/o

Sent out: 10/27/04. Filed: 10/29/04.

Hoku: SOOG or SOOD. Notes: SP No.

☐ 22. Fax copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn. 10/30/04

☐ 23. Attach SP file to criminal file and return to criminal file’s original location (record retention stays the same).

Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.

If there is only an SP file, retention will be 10 yrs. and case filed before PC Nos.
ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on July 29, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii
being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Jeff Quel being present and represented by Lane Y. Takahashi, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter “H.R.S.”) Section 846E-3(d);

2. On April 8, 2004, the jury found Respondent guilty as charged, for Sexual Assault in the First Degree;

3. Respondent was convicted of “sexually violent offense(s)” as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-733(1)(a);

4. On June 29, 2004, Respondent and his attorney, Lane Takahashi were served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b) and a hearing was set for July 29, 2004;

5. Judge Sakamoto informed Respondent that he had to respond to the Petition within twenty (20) days after service;

6. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;

7. On July 22, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;

8. On July 26, 2004, Petitioner filed a Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter “Motion for Default Judgment”);
9. On June 29, 2004, Respondent was sentenced as a “repeat offender” pursuant to H.R.S. Section 706-606.5;

10. On July 29, 2004, Petitioner’s Motion for Default Judgment was granted, thereby permitting the public release of Respondent’s relevant information that is necessary to protect the public and therefore entering the following orders:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the sex offender.


APPROVED AND SO ORDERED:

[Signature]

The Honorable Karl K. Sakamoto
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

[Signature]
Lane Y. Takahashi
Attorney for Respondent Quel
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

COP/VERDICT/SENTENCE/POST-SENTENCE HEARING LESS THAN 30 DAYS
(After 5/1/04)

Date: 6-23-04

DEFENDANT: JEFF QUEL
DPA: Rowena Somerville

Cr. No. 02-1-0546
SC No. 4-8-06
Conviction Date

Custody Status
Halawa Correctional Facility, Module 1A

Victim Megan Meananu
Rpt. No. 01146291
D/O 3/1--3/31/01 Sax. Asslt. 1° A

Charge

Class

AFTER A&P:

[ ]1. Run rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s); cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against
children. (If not sure, give to assigned DPA or JMI to highlight and ask whether only documents are required for
hearing or a petition needs to be filed in all cases.)

[ ] 2. Deft. has previous sex/other convictions. Cr. No(s):
Retrieve file(s), obtain cert. documents, PSI, and cert. HPD rpts. for all cases.

FOR PREVIOUS CASE(S):
[ ] NO FILE. [ ] YES FILE. Retrieved From:
[ ] Certify "usual" documents.
Received:

[ ] PSI: request from Cheryl Inouye, ACS:
Requested:
Received:

[ ] Request cert copy of CID closing report, 252 statement; transcribed statement of victim from HPD:
Requested:
Received:

[ ]3. Request NCIC printout and custody check (custody and last known address) from ISD. Route to DPA to highlight
applicable convictions, if any.
Requested: 6-23-04 Received: 6-24-04

[ ] Out of custody [X] Custody: Halawa Correctional Facility, Module 1A

Per DPA: [ ] Documents not needed [ ] Request documents
Letter sent: Documents received:

[ ]5. Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).

[ ]6. HPD Report: [ ] In file [ ] Not received yet.

PA 4/12/04
[ ] 7. Type Petition and Return of Service—1 per cr. no.
Deft’s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or
from custody check. Multiple addresses: use “AND/OR” between addresses.
Attach Exhibit 1 (Indictment/Complaint).
[ ] To Rowena to sign.
[ ] Make copies: Petition: (6) PA, DA, Deft.-certified, Judge, Legal Docs., s/o
Return of Service: make copies after Petition filed.
[ ] Stamp “Received by” stamp on PA copy.

After A&P only:
Place Petition and copies in manila envelope, stamp “Sex Offender Petition packet” on envelope and leave in criminal
file. Keep s/o for yourself.

Or else cont. with A., B., or C.

A. COP SET:

[ ] 8. Inform Rowena of COP date.

[ ] 9. At least 4 days before COP date: submit Petition to COP Judge. On route slip, request (1) court set initial appearance
be set for same date as sentence; and (2) request Messenger to return all copies except Judge’s copy. Judge’s clerk
will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to
Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge’s copy.

Petition filed: __________________________. Type SP No. on Return of Service.
Copies: (5) PA, DA, Deft., Judge, s/o.

[ ] 10. Copy of 1st page of filed Petition to Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

[ ] 11. Hoku: SOP (Sex Offender Petition) Notes: SP No. Enter SP No. in detail screen.
Note: There will be no hearing date entered yet.
SOIA (Sex Offender Initial Appearance) Notes: SP No. Enter SP No. in detail screen.

[ ] 12. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).

[ ] 13. Place filed Petition and Return of Service with copies in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE AFTER COP:

[ ] 14. DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition.
DPA will fill out Return of Service and file in open court.

[ ] 15. Dispo. Hoku: Sentence Date: __________________________
Hoku: Dispo. SOIA and SOP
Add: SORP (Return of Service). Notes: add title of Petition. SP No.

Cont. with 16.
B. START OF TRIAL:

[ ]8. Inform Rowena when trial starts.

AFTER GUILTY VERDICT:

[ ]9. DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft's copy.
DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.
DPA will fill out SP No. on Return of Service, complete form, and have file-stamped in open court.

Petition filed: ____________________________

[ ]10. Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

[ ]11. Sentence Date:
Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Notes: SP No. Enter SP No. in detail screen.
Add: SOP (Sex Offender Petition) Notes: SP No. Enter SP No. in detail screen.
SROP (Return of Service) Notes: add title of Petition. SP No.

[ ]12. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

[ ]13. Place filed Petition and Return of Service in SP file for Rowena to take to Sentence hearing.

Cont. with 16.

C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

[ ]8. Submit Petition to Sentence Judge. On route slip, request (1) court set initial appearance same date as sentence; and
(2) request Messenger to return all copies except Judge’s copy. Judge’s clerk will sign Summons, fill in date and time, 
conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp 
document, and distribute only Judge’s copy.

Petition filed: 6-25-04 ____________________________ Type SP No. on Return of Service.
Copies: (5) PA, DA, Def., Judge, s/o.

[ ]9. Copy of 1st page of filed Petition to Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

[ ]10. Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Notes: SP No. Enter SP No. in detail screen.

[ ]11. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

[ ]12. Place filed Petition and Return of Service with copies in SP file for Rowena to take to Sentence hearing.

INITIAL APPEARANCE AFTER SENTENCE:

[ ]13. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.
DPA will fill out Return of Service and file in open court.

Court will set Petition hearing date.

[ ]14. Hoku: Dispo. SOIA
Add: SOP (Sex Offender Petition) Notes: SP No. Enter SP No. in detail screen.
SROP (Return of Service) Notes: add title of Petition. SP No.

Cont. with 16.
AFTER PETITION HEARING:

    Disposition: granted

[X]17. Type Order Permitting or Order Denying.
    Sent out: 7-29-04
    Filed: 8-4-04
    Hoku: SOOG or SOOD. Notes: SP No.
    via Ct. Jkt. to:
    Send copy of Order and this form: Norma Ueno for completion & transmittal to Kurt Spohn.

[X]19. Internet posting date: 8/14/04

[X]20. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
    Hoku: FILE Location.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

DOUGLAS MOORE,

Respondent.

S.P. NO. 04-1-0222
(Criminal No. 03-1-1434)
ORDER PERMITTING PUBLIC
RELEASE OF SEX OFFENDER'S
RELEVANT INFORMATION THAT IS
NECESSARY TO PROTECT THE
PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: August 2, 2004
Time: 8:30 a.m.
Judge: Michael A. Town

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on August 2, 2004, before the Honorable Michael A. Town, the State of Hawaii
being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Douglas Moore being present and represented by Frank Fernandez, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter “H.R.S.”) Section 846E-3(d);

2. On April 14, 2004, Respondent pleaded guilty as charged to two (2) counts of Sexual Assault in the Third Degree, one (1) count of Indecent Exposure, and two (2) counts of Sexual Assault in the First Degree;

3. Respondent was convicted of “sexually violent offense(s)” as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-733(1)(a);

4. On July 2, 2004, Salustiano Bunye, and Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b).

5. On July 8, Deputy Prosecuting Attorney Rowena Somerville, Respondent, and attorney, Frank Fernandez, upon receiving a copy of the Petition, made a special appearance before the Honorable Richard K. Perkins for a status conference on the record;

6. Judge Perkins informed Respondent that he had to respond to the Petition within twenty (20) days after service;

7. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;

9. On July 28, 2004, Petitioner filed a Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter “Motion for Default Judgment”);

10. On August 2, 2004, Respondent was sentenced to serve a term of imprisonment of eight (8) years;

11. On August 2, 2004, Petitioner’s Motion for Default Judgment was granted, thereby permitting the public release of Respondent’s relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the LIFE of the sex offender.


APPROVED AND SO ORDERED:

[Signature]

The Honorable Michael A. Town
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

[Signature]

Frank Fernandez
Attorney for Respondent Moore
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE & POST-SENTENCE-MORE THAN 30 DAYS/
PAU CASES BEFORE 5/1/04

DEFENDANT: MOORE, Douglas
DPA: Charlene Ikeda

CR. NO. 03-1-1434, SP NO. 04-1-0222

SC No. Conviction Date Custody Status

Victim Rpt. No. D/O Charge Class
Kelii Verhulsdonk 03247766 7/31/02-5/17/03 SA3\(^\circ\) C
03247762 6/24/03 Indecent Exposure FM
03247366 4/1/03-5/17/03 SA1\(^\circ\) A
03247756 " " A
03247761 6/24/03 SA3\(^\circ\) C

M1. Run rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children. (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

M2. Deft. has previous sex/other convictions. Cr. No(s):
Retrieve file(s), obtain cert. documents, PSI, and cert. HPD rpts. for ALL cases.

[ ] 3. Check Hokul or pull White Card for File Location/Cr. No. (Search by deft's name.)
Fill in information above or retrieve information from file (sex offenses only).
File Location:
If none, check MRRC logs:
Appeal? Ask Appellate staff for file location:
[ ] File destroyed?
[ ] File retrieved

[ ] 4. Request NCIC printout from ISP. Route to DPA to highlight applicable convictions, if any.
Requested: 6/25/04, Received: 6/28/04

[ ] 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
Per DPA: [ ] Documents not needed [ ] Request documents
Letter sent: Documents received:

[ ] 6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Memorandum.
If file destroyed & case not in HAJIS, use "Case Not in HAJJS" request form.
Requested: 6/25/04, Received: 6/28/04
NOTE: Make a copy of any documents that are not in our case file.

[ ] 7. PSI: [ ] In file. [ ] No. Request from Cheryl Inouye, ACS.
Requested: Received:

Requested: Received:
Xerox 1 copy (to be redacted). Leave in file.

PA 4/12/04
A. SENTENCE/POST-SENTENCE - MORE THAN 30 DAYS:

[ ] 11. Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.

Petition filed: 6/29/04. Type SP No. on Return of Service.

[ ] 12. Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). 7/30/04

[ ] 13. Hoku: SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen. Hearing date: use upcoming sentence date or hrg. date.

[ ] 14. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). Hold file until Petition served and Investigator returns Return of Service.

[ ] 15. Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.

Date given to ISD: 6/30/04 Served: 7/2/04

[ ] 16. Copies of Return of Service: (6) PA, DA, Def., Hrg. Judge, Judge Perkins, s/o. File Return of Service. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).

Initial appearance date: 7/8/04

Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen.

SORP (Return of Service). Notes: of Sex Offender Petition. SP No.

[ ] 17. Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket. (Signed with Ret. 8/8 unfilled)

[ ] 18. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service.

Cont. with 19. (Signed in red on 7/8/04)
B. PAU CASES:

[ ]11. Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins’ copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins’ copy.

Petition filed: __________________________. Type SP No. on Return of Service.

[ ]12. Copy of 1st page of filed Petition to Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly).


ADPA (if necessary)
SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen.
Note: Temporarily use filed date as brg. date.
FILE Location: with you awaiting service of Petition.

[ ]14. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).

Hold file until Petition served and Investigator returns Return of Service.

[ ]15. Serve Petition on Defd.: use Sex Offender ISD Request form to have Investigator (1) serve petition on defd.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.

Date given to ISD: __________________________ Served: __________________________

[ ]16. Copies of Return of Service: (5) PA, DA, Defd., Judge Perkins, s/o. File Return of Service. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).

Initial appearance date: Hokur: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen.
SORP (Return of Service). Notes: of Sex Offender Petition. SP No.

[ ]17. Copy of Petition & Return of Service to PD’s Office, Susan Arnett: send via Circuit Court jacket.

[ ]18. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service.

If DPA no longer with the office, give both criminal and SP files to Rowena.

Cont. below.

AFTER INITIAL APPEARANCE HEARING:

[ ]19. Hokur: Dispo. SOIA.

SOP transaction: enter Petition hearing date.

[ ]20. Return file to Rowena for hearing.

AFTER PETITION HEARING:

[ ]21. After hearing: Dispo. Hokur. Disposition:

[ ]22. Type Order Permitting or Order Denying.

Filed Order received and served to Kurt Spohn.
Hoku: SOOC or SOOD. Notes: SP No.

[ ]23. Internet posting date: 8/1/04

[ ]24. Send copy of order and this form to Kurt Spohn, via Circuit Court jacket (to be sent weekly):

[ ]25. Attach SP file to criminal file and return to criminal file’s original location (record retention stays the same).

Hoku: FILE Location.

PA 4/12/04
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

EMMANUEL B. SILVA,

Respondent.

S.P. NO. 04-1-0220
(Criminal No. 87-0175)
ORDER PERMITTING PUBLIC
RELEASE OF SEX OFFENDER'S
RELEVANT INFORMATION THAT IS
NECESSARY TO PROTECT THE
PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: September 13, 2004
Time: 11:00 a.m.
Judge: Steven S. Alm

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 13, 2004, before the Honorable Steven S. Alm, the State of
Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Douglas Moore who was not present, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On July 10, 1987, Respondent pleaded guilty to two (2) counts of Sexual Assault in the First Degree, two (2) counts of Sexual Assault in the Fourth Degree, one (1) count of Kidnapping, and one (1) count of Burglary in the First Degree;

3. On September 15, 1987 Respondent was sentenced to eight (8) years of incarceration.

4. Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Sections 707-731(1)(a) and 707-733(1)(a);

5. On August 3, 2004, Diane O’Reilly, an Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b).


7. Judge Perkins informed Respondent that he had to respond to the Petition within twenty (20) days after service and that he could have the assistance of an attorney;

8. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;

10. On September 2, 2004, Petitioner filed a Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter "Motion for Default Judgment");

11. On September 13, 2004, the Honorable Steven S. Alm granted Petitioner's Motion for Default Judgment, thereby permitting the public release of Respondent's relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the LIFE of the sex offender.


APPROVED AND SO ORDERED:

Steven S. Alm
The Honorable Steven S. Alm
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Emmanuel B. Silva
Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

<table>
<thead>
<tr>
<th>DEFENDANT: EMMANUEL B. SILVA</th>
<th>DPA: Rowena Somerville</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR. NO.: 87-0175</td>
<td>SP NO.: 04-1-0220</td>
</tr>
<tr>
<td>SCT. NO.:</td>
<td></td>
</tr>
<tr>
<td>CONVICTION DATE: September 15, 1987</td>
<td>CUSTODY STATUS: Out of custody</td>
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</tbody>
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<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debra Kimiko Shup</td>
<td>V-65241</td>
<td>2/6/87</td>
<td>Sexual Assault 1</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>V-65241-3</td>
<td></td>
<td>Sexual Assault 1</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>V-65241-4</td>
<td></td>
<td>Sexual Assault 4</td>
<td>M</td>
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<td>V-65241-5</td>
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<td>M</td>
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<tr>
<td></td>
<td>V-65241-1</td>
<td></td>
<td>Kidnapping</td>
<td>A</td>
</tr>
</tbody>
</table>

1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

2. Def.: has previous sex/other convictions. Cr. No(s): ______
   Fill out new checklist for each case.

3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name.) Fill in information above or retrieve information from file (sex offenses only).
   File Location: ______
   If none, check MRRC logs: 28-A-76
   Appeal? Ask Appellate staff for file location: ______
   File destroyed? ______
   File retrieved ______

4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 5/13/04  Received: 5/13/04

5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   Per DPA: [ ] Documents not needed  [ ] Request documents
   Letter sent: ______  Documents received: ______

6. Request certified "usual" documents. NOTI: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
   If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
   Requested: 4/21/04  Received: 5/10/04
   NOTE: Make a copy of any documents that are not in our case file.

7. PSI: [ ] In file  [ ] No. Request from Cheryl Inouye, APD.
   Requested: [ ] Received: [ ]

8. HPD Report: [ ] In file  [ ] No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
   Requested: 4/21/04  Received: 5/3/04

9. Def's custody: check current custody log. ______
   [ ] Out of custody  [ ] Custody: ______
   Last known address: search PRODCICS (ADLA & M35N) & HPD's IIQ system.
   [ ] Address same as rap sheet  [ ] Add'l address: ______

PA 4/12/04
10. To Rowena for approval to file petition.

Cont. with A. or B.

A. SENTENCE or POST-SENTENCE – MORE THAN 30 DAYS:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus)
☐ To Rowena to sign.
☐ Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o
Return of Service: make copies after Petition filed.
☐ Stamp "Received by" stamp on PA copy.

☐ 12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.

Petition filed: ______ Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

☐ 14. Hokut: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen.
Hearing date: use upcoming sentence date or hrg. date.

☐ 15. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Deft.: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.
Date given to ISD: ______ Served: ______

☐ 17. Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date: ______
Hokut: SORIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
☐ SORP (Return of Service). Notes: SP No.

☐ 18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.

☐ 19. SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service. Criminal file to DPA.

Cont. with 20.
B. PAU CASES:

11. Type Petition (Old Cases) and Return of Service - 1 per cr. no.
    Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
    Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
    1. To Rowena to sign.
        Return of Service: make copies after Petition served.
    3. Stamp "Received by" stamp on PA copy.

    Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
    Petition filed: 6/28/04. Type SP No. on Return of Service.

13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
    6/28/04

14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
    ADPA (if necessary)
    SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
    Note: Temporarily use filed date as hrg. date.
    FILE Location: with you awaiting service of Petition.

15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
    If criminal file was destroyed, open SP file only.
    Hold file until Petition served and Investigator returns Return of Service.

16. Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
    Date given to ISD: 6/29/04  Served: 8/3/04

17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
    Initial appearance date: 8/12/04
    Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
    SORP (Return of Service). SP No.

18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☒ 20. Hoku: Dispo. SOIA
    SOP transaction: enter Petition hearing date.

☒ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☒ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
    Copies: (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
    Hoku: SOOG or SOOD. Notes: SP No.

☒ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
    9/27/04

☒ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
    Hoku: FILE Location.
    If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
    If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 21, 2004, before the Honorable Rhonda A. Nishimura, the State
of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville, and Attorney Jeffrey Hawk appearing for Royce Nakagawa whose presence was waived, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On February 22, 1988, Respondent pleaded guilty to two (2) counts of Sexual Assault in the First Degree, and one (1) count of Kidnapping;

3. On March 30, 1988 Respondent was sentenced to twenty (20) years of incarceration in each count to run concurrently;

4. Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: H.R.S. Section 707-731(1)(a);

5. On August 15, 2004, David Lee, an Investigator with the Department of the Prosecuting Attorney, City and County of Honolulu personally served Respondent with the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3(b);


7. Judge Perkins informed Mr. Hawk that Respondent had to respond to the Petition within twenty (20) days after service;

8. Respondent failed to answer, plead, or otherwise defend against the Petition within twenty (20) days after service;

9. On September 15, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;
10. On September 17, 2004, Petitioner filed a Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 846E-3 (hereinafter “Motion for Default Judgment”);

11. On September 21, 2004, the Honorable Rhonda A. Nishimura granted Petitioner’s Motion for Default Judgment, thereby permitting the public release of Respondent’s relevant information that is necessary to protect the public and therefore entering the following orders;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the LIFE of the sex offender.


APPROVED AND SO ORDERED:
RHONDAA. NISHIMURA [SEAL]
The Honorable Rhonda A. Nishimura Judge of the Above-Entitled Court

APPROVED AS TO FORM:

[Signature]
JEFFREY HAWK
Attorney for Respondent

SEP 23 2004
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

DEFENDANT: ROYCE NAKAGAWA
CR. NO.: 87-0626
SCT. NO.:
CONVICTION DATE: March 30, 1998
DPA: Rowena Somerville
SP NO.: 04-1-0219
CUSTODY STATUS: Out of custody

<table>
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<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bernadette Canne</td>
<td>W-57306</td>
<td>5/13/87</td>
<td>Sexual Assault 1</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>W-57306-1</td>
<td></td>
<td>Sexual Assault 1</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>W-57306-2</td>
<td></td>
<td>Kidnapping</td>
<td>A</td>
</tr>
</tbody>
</table>

1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): cr. no(s); sen. of extended term; sen. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s): ___
   Fill out new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name.)
   Fill in information above or retrieve information from file (sex offenses only).
   File Location:
   If none, check MRRCC logs: 20-A-91
   Appeal? Ask Appellate staff for file location: ___
   File destroyed? ___
   File retrieved ___

☐ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 5/13/04 Received: 5/13/04

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   Per DPA: ___ Documents not needed ___ Request documents ___
   Letter sent: ___ Documents received: ___

☐ 6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
   If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
   Requested: 4/21/04 Received: 5/10/04
   NOTE: Make a copy of any documents that are not in our case file.

☐ 7. PSI: ___ In file. ___ No. Request from Cheryl Inouye, APD.
   Requested: ___ Received: ___

   from HPD Records.
   Requested: 4/21/04 Received: 5/8/04

   ☑ Out of custody ___ Custody:
   Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.
   ☑ Address same as rap sheet. ___ Add'l address: ___

☐ 10. To Rowena for approval to file petition.

PA 4/12/04
B. PAU CASES:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Deft’s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use “AND/OR” between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
1. To Rowena to sign.
3. Stamp “Received by” stamp on PA copy.

Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins’ copy.

Petition filed: 6/28/04. Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly).
6/30/04

☐ 14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
ADPA (if necessary)
SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
Note: Temporarily use filed date as hrg. date.
FILE Location: with you awaiting service of Petition.

☐ 15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only. Hold file until Petition served and investigator returns Return of Service.

☐ 16. Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
Date given to ISD: 6/30/04 Served: 8/15/04

☐ 17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should already gotten his copy of Petition).
Initial appearance date: 8/19/04
Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
SORP (Return of Service). SP No.

☐ 18. Send out PD’s copy of Petition and Return of Service to Susan Amett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD’s copy of Petition and Return of Service at time of the hearing.

☐ 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

20. Hoku: Dispo. SOIA
   SOP transaction: enter Petition hearing date.

21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
   Copies: (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
   Sent out: 9/21/04. Filed: 9/23/04
   Hoku: SOOG or SOOD. Notes: SP No.

24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
   9/27/04

25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
   Hoku: FILE Location.
   If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
   If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, )

Petitioner. )

v. )

JAMES K. LAHUI, JR., )

Respondent. )

S.P. NO. 04-1-0279. )
(Criminal No. 94-1775) )

ORDER PERMITTING PUBLIC )
RELEASE OF SEX OFFENDER'S )
RELEVANT INFORMATION THAT IS )
NECESSARY TO PROTECT THE )
PUBLIC PURSUANT TO H.R.S. §846E-3 )

Hearing: September 17, 2004 )
Time: 10:00 a.m. )
Judge: Marcia J. Waldorf )

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 17, 2004, before the Honorable Marcia J. Waldorf, the State of
Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville, and Deputy
Public Defender Edward K. Harada specially appearing for Respondent James K. Lahui who was not
present, and the Court having carefully considered the pleadings and evidence presented at said
hearing, and there being no objection, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes
   (hereinafter “H.R.S.”) Section 846E-3(d);

2. On December 16, 1994, Respondent was sentenced to five (5) counts of Sexual
   Assault in the Second Degree, and three (3) counts of Sexual Assault in the Third Degree, and
   Endangering the Welfare of a Minor;

3. Respondent was convicted of “sexually violent offense(s)” and/or a “criminal offense
   against a victim who is a minor” as those terms are defined in H.R.S. §846E-1, to wit: H.R.S.
   Sections 707-730(1)(b) and 707-732(1)(b);

4. Respondent is a “sex offender” who is required to register under H.R.S. chapter
   §846E;

5. On July 21, 2004, Petitioner filed a Petition for an Order Permitting Public Release of
   Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S.
   §846E-3 ;

6. On August 23, 2004, Respondent was served the Petition for an Order Permitting
   Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public
   pursuant to H.R.S. §846E-3 ;

7. On September 15, 2004, Petitioner filed a Motion for Default Judgment and Order
   Granting Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information
   that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 (hereinafter “Motion for Default
   Judgment”);
8. September 17, 2004, Petitioner’s Motion for Default Judgment was granted;

9. Petitioner met its burden, by a preponderance of the evidence that Respondent is required to register under chapter H.R.S. §846E;

10. Respondent, through his default, did not overcome the Petitioner's presumption that public release of Respondent’s relevant information is necessary to protect the public, and the court therefore enters the following orders,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the LIFE of the sex offender.


APPROVED AND SO ORDERED:

MARCIA J. WALDORF

The Honorable Marcia J. Waldorf
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

[Signature]
Edward K. Harada
Timothy Ho
Deputy Public Defenders
Attorney for Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

DEFENDANT: JAMES K. LAHUI, JR.
CR. NO.: 94-1775
SCT. NO.: CONVICTION DATE: 9-14-94
DPA: Rowena Somerville
SP NO.: 04-1-0279
CUSTODY STATUS: Not in custody

<table>
<thead>
<tr>
<th>VICTIM</th>
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<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
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<tbody>
<tr>
<td>Santra Lahui</td>
<td>92311471</td>
<td>12/25/91</td>
<td>Sex. Asslt. 2°</td>
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<td>93076899</td>
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<td>93076900</td>
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<td>93341971</td>
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<td></td>
<td>93341972</td>
<td>2/19-2/23/93</td>
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</tr>
</tbody>
</table>

1. Print rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
(If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s): ______
Fill out new checklist for each case.

☐ 3. Check Hokul or pull White Card for File Location/Cr. No. (Search by deft's name.)
Fill in information above or retrieve information from file (sex offenses only).
File Location:
If none, check MRRC logs: 10-C-30
Appeal? Ask Appellate staff for file location: ______
☐ File destroyed?
☒ File retrieved

☐ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
Requested: 6-1-04 Received: 6-8-04

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
Per DPA: ☐ Documents not needed ☐ Request documents
Letter sent: ______ Documents received: ______

☒ 6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
Requested: ______ Received: ______
NOTE: Make a copy of any documents that are not in our case file.

☒ 7. PSI: ☒ In file. ☐ No. Request from Cheryl Inouye, APD.
Requested: ☐ Received: ☐

Last known address: search PRODCICS (ADLA & M5SN) & HPD's IIQ system.
☑ Address same as rap sheet. ☑ Add’l address: ______

10. To Rowena for approval to file petition.

Cont. with A. or B.

A. SENTENCE or POST-SENTENCE – MORE THAN 30 DAYS:

11. Type Petition (Old Cases) and Return of Service – 1 per cr. use.
Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use “AND/OR” between addresses. Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Minimus)
☐ To Rowena to sign.
☐ Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o
Return of Service: make copies after Petition filed.
☐ Stamp “Received by” stamp on PA copy.

12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judges’ copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges’ copies.
Petition filed: ______. Type SP No. on Return of Service.

13. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

14. Hoku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen.
Hearing date: use upcoming sentence date or hrg. date.

15. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.

16. Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.
Date given to ISD: ______. Served: ______

17. Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date: ______. Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
SOPR (Return of Service). Notes: SP No.

18. Send out PD’s copy of Petition and Return of Service to Susan Arnott via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.

19. SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service. Criminal file to DPA.

Cont. with 20.
B. PAU CASES:

11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
   Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use “AND/OR” between addresses.
   Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Memorandum)
   1. To Rowena to sign.
      Return of Service: make copies after Petition served.
   3. Stamp “Received by” stamp on PA copy.

12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
   Petition filed: 7-21-04. Type SP No. on Return of Service.

13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).

14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
    ADPA (if necessary)
    SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
    Note: Temporarily use filed date as hrg. date.
    FILE Location: with you awaiting service of Petition.

15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
    If criminal file was destroyed, open SP file only.
    Hold file until Petition served and Investigator returns Return of Service.

16. Serve Petition on Def't: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
    Date given to ISD: 7-22-04  Served: 8-23-04

17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
    Initial appearance date: 8-16-04
    Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
    SORP (Return of Service). SP No.

18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☐ 20. Hoku: Dispo. SOIA
   SOP transaction: enter Petition hearing date.

☐ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☒ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
   Copies: (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
   Hoku: SOOG or SOOD. Notes: SP No.

☒ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
   9-28-04

☒ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
   Hoku: FILE Location.
   If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
   If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 17, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Michael Shaw, being present and represented by Deputy Public Defender Ronette Kawakami, and
the Court having carefully considered the pleadings and evidence presented at said hearing, hereby
finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes
   (hereinafter “H.R.S.”) Section 846E-3(d);

2. On August 23, 1991, Respondent was convicted of “sexually violent offense(s)” and
   or a “criminal offense against a victim who is a minor” as those terms are defined in H.R.S. §846E-
   1, to wit: Sexual Assault in the First Degree pursuant to H.R.S. Section 707-730(1)(b);

3. On August 23, 1991, Respondent was sentenced to twenty (20) years of incarceration;

4. Respondent is a “sex offender” who is required to register under chapter H.R.S.
   §846E;

5. On August 13, 2004, Respondent was served the Petition for an Order Permitting
   Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public
   pursuant to H.R.S. §846E-3 and a hearing was set for September 17, 2004;

6. On September 8, 2004, Respondent filed a Response to the State of Hawaii’s Petition
   for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to
   Protect the Public pursuant to H.R.S. §846E-3;

7. On September 17, 2004, a hearing was held wherein the State of Hawaii proved by a
   preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the
   presumption that public release of relevant information regarding the sex offender is necessary to
   protect the public;

10. At the hearing on September 17, 2004, Respondent was given an opportunity to rebut
    said presumption and to show that he does not represent a threat to the community and that public
    release of relevant information is not necessary;
11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846B-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for a period of ten (10) years.


APPROVED AND SO ORDERED

Karl K. Sakamoto
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

RONETTE M. KAWAKAMI

Ronette Kawakami
Deputy Public Defender
Attorney for Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

DEFENDANT: PHILLIP KUALA
CR. NO.: F90-0029
SCT. NO.: 7-15-91
DPA: Rowena Somerville
SP NO.: 04-1-0256
CUSTODY STATUS: Not in custody

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amy M. Welsh</td>
<td>90004855</td>
<td>2-1-88</td>
<td>Sex. Asslt. 1º</td>
<td>A</td>
</tr>
</tbody>
</table>

1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): cr. no(s): sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

2. Def. has previous sex/other convictions. Cr. No(s):
   Fill out new checklist for each case.

3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name.)
   Fill in information above or retrieve information from file (sex offenses only).
   File Location:
   If none, check MRRC logs: 4-C-82
   Appeal? Ask Appellate staff for file location:
   File destroyed?
   File retrieved 5/12/04

4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 5-1-04 Received: 6-8-04

5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   Per DPA: Documents not needed Request documents
   Letter sent: Documents received:

6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
   If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
   Requested: 5-14-04 Received: 5-17-04
   NOTE: Make a copy of any documents that are not in our case file.

7. PSI: In file. No. Request from Cheryl Inouye, APD.
   Requested: Received:

   Requested: 5-18-04 Received: 5-18-04

   Out of custody Custody:_____
   Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.
   Address same as rap sheet. Add'l address:

10. To Rowena for approval to file petition.

Cont. with A. or B.

PA 4/12/04
A. SENTENCE or POST-SENTENCE – MORE THAN 30 DAYS:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. ea.
   Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
   Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus)
   □ To Rowena to sign.
   □ Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., a/o Return of Service: make copies after Petition filed.
   □ Stamp "Received by" stamp on PA copy.

☐ 12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.

   Petition filed: ______. Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

☐ 14. Hoku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen.
   Hearing date: use upcoming sentence date or hrg. date.

☐ 15. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened). Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Deft.: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.
   Date given to ISD: ______ Served: ______.

☐ 17. Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, a/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
   Initial appearance date: ______
   Hoku: SORI (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
   SORP (Return of Service). Notes: SP No.

☐ 18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.

☐ 19. SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service. Criminal file to DFA.

Cont. with 20.
B. PAU CASES:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per er, no.
   Defend(F's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
   Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
   1. To Rowena to sign.
   3. Stamp "Received by" stamp on PA copy.

   Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

   Petition filed: 7-7-04. Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
   7-8-04

☐ 14. Hok: White card case or Out-of-State case: ADD case in Hok. (See your samples.)
   ADPA (if necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   Note: Temporarily use filed date as urg. date.
   FILE Location: with you awaiting service of Petition.

☐ 15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
   If criminal file was destroyed, open SP file only.
   Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Deft.: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request.
   Date given to ISD: 7-9-04 Served: 8-13-04

☐ 17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
   Initial appearance date: 8-13-04
   Hok: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
   SORP (Return of Service). SP No.

☐ 18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

☐ 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☒ 20. Hoku: Dispo. SOIA
    SOP transaction: enter Petition hearing date.

☒ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☒ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
    Copies: (6) PA, DA or PD, Deft., Judge, HCIDC, s/o
    Hoku: SOOG or SOOD. Notes: SP No.

☒ 24. Fax copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn.

☒ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
    Hoku: FILE Location.
    If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
    If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

S.P. NO. 04-1-0287.
(Criminal No. 88-2044)

ORDER PERMITTING PUBLIC
RELEASE OF SEX OFFENDER’S
RELEVANT INFORMATION THAT IS
NECESSARY TO PROTECT THE
PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: September 22, 2004
Time: 8:30 a.m.
Judge: Derrick Chan

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 22, 2004, before the Honorable Derrick Chan, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Derek
Kalaukela Sison, who was not present, and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On February 27, 1989, Respondent was convicted of "sexually violent offense" as that term is defined in H.R.S. §846E-1, to wit: Sexual Assault in the Second Degree, H.R.S. Section 707-731(1)(a);

3. On April 4, 1989, Respondent was sentenced to five (5) years of probation with the special condition of sixty (60) days of imprisonment;

4. On July 23, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for September 22, 2004;

5. Respondent failed to respond to the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 by September 17, 2004 as directed by the summons and the Honorable Richard K. Perkins.

6. On September 22, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

10. At the hearing on September 22, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary, but he was not present;
11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for a period of ten (10) years.


APPROVED AND SO ORDERED.

DERRICK H. M. CHAN

The Honorable Derrick Chan
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Derek Kalanikela Sison
Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

<table>
<thead>
<tr>
<th>DEFENDANT: DEREK KALAUKELA</th>
<th>DPA: Rowena Somerville</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR. NO.: 88-2044</td>
<td>SP NO.: 04-1-0287</td>
</tr>
<tr>
<td>SCT. NO.:</td>
<td>CUSTODY STATUS: Out of custody</td>
</tr>
<tr>
<td>CONVICTION DATE: 4/4/89</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malia Kapuaonalani Evans</td>
<td>G-54935</td>
<td>11/6/88</td>
<td>Sexual Assault 2</td>
<td>B</td>
</tr>
</tbody>
</table>

1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

2. Deft. has previous sex/other convictions. Cr. No(s): ______
   Fill out new checklist for each case.

3. Check Hokul or pull White Card for File Location/ Cr. No. (Search by deft's name.)
   Fill in information above or retrieve information from file (sex offenses only).
   File Location: ______
   If none, check MRRC logs: ______
   Appeal? Ask Appellate staff for file location: ______
   File destroyed? 10/4/01
   File retrieved

4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 7/19/04 Received: 7/20/04

5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
   Per DPA: [ ] Documents not needed [ ] Request documents
   Letter sent: ______
   Documents received: ______

6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
   If file destroyed & case not in HAJS, use "Case Not in HAJS" request form.
   Requested: 4/21/04 Received: 6/22/04
   NOTE: Make a copy of any documents that are not in our case file.

7. PSI: [ ] In file. [X] No. Request from Cheryl Inouye, APD.
   Requested: 4/28/04 Received: 6/28/04

8. HPD Report: [ ] In file. [X] No. Request CID closing report, victim’s statement, and transcribed statement of victim
   from HPD Records.
   Requested: 4/21/04 Received: 4/23/04

9. Deft's custody: check current custody log ______
   [X] Out of custody [ ] Custody: ______
   Last known address: search PRODCICS (ADLA & M55N) & HPD's IIS system.
   [X] Address same as rap sheet. [ ] Add'l address: ______

10. To Rowena for approval to file petition.

Cont. with A. or B.

PA 4/12/04
B. PAU CASES:

11. Type Petition (Old Cases) and Return of Service - 1 per ex. no.
   Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
   Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
   1. To Rowena to sign.
   3. Stamp "Received by" stamp on PA copy.

12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.
   Petition filed: 7/23/04 Type SP No. on Return of Service.

13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly). 7/23/04

14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
   ADPA (if necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   Note: Temporarily use file date as lg. date.
   FILE: Location: with you awaiting service of Petition.

15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
   If criminal file was destroyed, open SP file only.
   Hold file until Petition served and Investigator returns Return of Service.

16. Serve Petition on Deft.: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
   Date given to ISD: 7/26/04 Served: 8/26/04

17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
   Initial appearance date: 9/3/04
   Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
   SORP (Return of Service). SP No.

18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD's copy of Petition and Return of Service at time of the hearing.

19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☒ 20. Hoku: Dispo. SOJA
   SOP transaction: enter Petition hearing date.

☒ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☒ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
   Copies: 6 PA, DA or PD, Def., Judge, HCJDC, s/o
   Sent out: 10/1/04. Filed: 10/1/04.
   Hoku: SOOG or SOOD. Notes: SP No.

☒ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.
   10/4/04

☒ 25. Attach SP file to criminal file and return to criminal file’s original location (record retention stays the same).
   Hoku: FILE Location.
   If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
   If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

RODERICK JOHNSON,

Respondent.

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 21, 2004, before the Honorable Karl K. Sakamoto, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent,
being present and represented by Deputy Public Defender Tyrus S. Buyama, and the Court having
carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes
   (hereinafter "H.R.S.") Section 846E-3(d);

2. On May 4, 2004, Respondent was convicted of "sexually violent offense(s)" and/or a
   "criminal offense against a victim who is a minor" as those terms are defined in H.R.S. §846E-1, to
   wit: Sexual Assault in the Second Degree pursuant to H.R.S. Section 707-731(1)(a);

3. Respondent is a "sex offender" who is required to register under chapter H.R.S.
   §846E;

4. The victim in the case was twelve (12) years of age or younger at the time of the
   offense;

5. On May 20, 2004, Respondent was served the [Petition for an Order Permitting Public
   Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to
   H.R.S. §846E-3 and a hearing was set for September 21, 2004;

   an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to
   Protect the Public pursuant to H.R.S. §846E-3;

7. On September 21, 2004, a hearing was held wherein the State of Hawaii proved by a
   preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the
   presumption that public release of relevant information regarding the sex offender is necessary to
   protect the public;

8. At the hearing on September 21, 2004, Respondent was given an opportunity to rebut
   said presumption and to show that he does not represent a threat to the community and that public
   release of relevant information is not necessary;
11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the LIFE of the Respondent.


APPROVED AND SO ORDERED

Karl K. Sakamoto
The Honorable Karl K. Sakamoto
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Tyrus S. Buyarna
Deputy Public Defender
Attorney for Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY
SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE-MORE THAN 30 DAYS
(Before 5/1/04)

<table>
<thead>
<tr>
<th>DEFENDANT: Rodrick JOHNSON</th>
<th>DPA: Rowena Somerville</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR. NO.: 03-1-0664</td>
<td>SP NO.: 04-1-0167</td>
</tr>
<tr>
<td>SCT. NO.:</td>
<td>CUSTODY STATUS: OCCC</td>
</tr>
<tr>
<td>CONVICT DATE: 5-4-04</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlene Rowe</td>
<td>03059313</td>
<td>1-1-03 to 1-28-03</td>
<td>Sex Assault 2°</td>
<td>B</td>
</tr>
</tbody>
</table>

1. Print rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): cr. no(s): sent. of extended term; sent. of repeat offender; conviction of crime against children.
(If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

2. Dept. has previous sex/o other convictions. Cr. No(s): __________
Fill out new checklist for each case.

3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name.)
Fill in information above or retrieve information from file (sex offenses only).
File Location:
If none, check MRRR logs: ______
Appeal? Ask Appellate staff for file location: ______
☐ File destroyed? ______
☐ File retrieved

4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
Requested: 5-10-04 Received: 5-11-04

5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
Per DPA: ☐ Documents not needed ☐ Request documents
Letter sent: ______ Documents received: ______

6. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Memorandum.
If file destroyed & case not in HAJIS, use "Case Not in HAJIS request form."
Requested: 5-11-04 Received: 5-11-04
NOTE: Make a copy of any documents that are not in our case file.

7. PSI: ☑ In file. ☐ No. Request from Cheryl Inouye, APD.
Requested: ______ Received: ______

Requested: ______ Received: ______

☐ Out of custody ☑ Custody:
Last known address: search PRODCICS (ADLA & M55N) & HPD's IIO system.
☐ Address same as rap sheet. ☐ Add'l address: ______

10. To Rowena for approval to file petition.

PA 4/12/04
A. SENTENCE or POST-SENTENCE – MORE THAN 30 DAYS:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
    Def’s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody
    check. Multiple addresses: use “AND/OR” between addresses.
    Attach Exhibits 1 (cert. indictment/Complaint) and 2 (cert. Judgment & Mittimus)
    ☐ To Rowena to sign.
    ☐ Copies: Petition: (7): PA, private DA or PD, Def’s (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o
    Return of Service: make copies after Petition filed.
    ☐ Stamp “Received by” stamp on PA copy.

☐ 12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judges’ copies. Messenger
    will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only
    Judges’ copies.

    Petition filed: ______   Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

☐ 14. Hokup: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen.
    Hearing date: use upcoming sentence date or hrg. date.

☐ 15. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
    Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Def: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due
    date (30 days before hearing date); (2) have deft. sign on PA copy and (3) fill out Return of Service, including date of
    initial appearance given to deft.
    Date given to ISD: ______   Served: ______

☐ 17. Copies of Return of Service: (6) PA, private DA or PD, Def’t., Hrg. Judge, Judge Perkins, s/o.  File Return of
    Service. On route slip, request that Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his
    copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
    Initial appearance date:
    Hokup: SORA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
    SORP (Return of Service). Notes: SP No.

☐ 18. Send out PD’s copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private
    attorney in his criminal case, leave copy of Petition and Return of Service in file.

☐ 19. SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service.
    Criminal file to DPA.

Cont. with 20.
B. PAU CASES:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Deff’s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
1. To Rowena to sign.
3. Stamp “Received by” stamp on PA copy.

☐ 12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins’ copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins’ copy.

Petition filed: 5-14-04. Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly).
(Faxed 5-14-04)

☐ 14. Hokur: White card case or Out-of-State case: ADD case in Hokur. (See your samples.)
   ADPA (If necessary)
   SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
   Note: Temporarily use filed date as hrg. date.
   FILE Location: with you awaiting service of Petition.

☐ 15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only.
Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Def.: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
Date given to ISD: 5-17-04 Served: 5-20-04

☐ 17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date: 9-21-04
Hokur: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
SORP (Return of Service). SP No.

☐ 18. Send out PD’s copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD’s copy of Petition and Return of Service at time of the hearing.

☐ 19. File(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☑ 20. Hoku: Dispo. SOIA
   SOP transaction: enter Petition hearing date.

☑ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☑ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
   Copies: (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
   Hoku: SOOG or SOOD. Notes: SP No.

☑ 24. Fax copy of Order and this form to Norma Umo, HCJDC, for completion and transmittal to Kurt Spohn.
   10-4-04

☑ 25. Attach SP file to criminal file and return to criminal file’s original location (record retention stays the same).
   Hoku: FILE Location.
   If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
   If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

ARTURO PEREZ-ZAMBRANO,

Respondent.

S.P. NO. 04-1-0257
(Criminal No. 03-1-0865)

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: September 16, 2004
Time: 9:00 a.m.
Judge: Michael A. Town

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 16, 2004, before the Honorable Michael A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent ARTURO PEREZ-ZAMBRANO, being present and represented by Deputy Public Defender Walter
J. Rodby and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On May 10, 2004, Respondent was convicted of "sexually violent offense(s)" as that term is defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(b);

3. The two (2) victims were under the age of twelve (12) on the date of offense;

4. On July 23, 2004, Respondent was sentenced to five (5) years probation as to each count, to run concurrently;

5. On July 23, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for September 16, 2004;

6. On September 9, 2004, Respondent filed a Response to the State of Hawaii’s Motion for Default Judgment and Order Granting Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;

7. On September 16, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), and (4) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

10. At the hearing on September 16, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the sex offender.


APPROVED AND SO ORDERED:

MICHAEL A. TOWN

The Honorable Michael A. Town
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Walter J. Rodby
Deputy Public Defender
Attorney for Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS
(After 5/1/04)

<table>
<thead>
<tr>
<th>DEFENDANT: ARTURO PEREZ-ZAMBRANO</th>
<th>DPA: Rowena Somerville</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR. NO.: 03-1-0865</td>
<td>SP NO.: 04-1-0257</td>
</tr>
<tr>
<td>SCT. NO.:</td>
<td>CUSTODY STATUS: Not in custody</td>
</tr>
<tr>
<td>CONVICTION DATE: 5-10-04</td>
<td></td>
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</table>

<table>
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<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
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<tbody>
<tr>
<td>Brittany Tomaszewski</td>
<td>02273327</td>
<td>1/19/01--</td>
<td>Sex. Asslt. 3°</td>
<td>C</td>
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<tr>
<td></td>
<td>02296040</td>
<td>7/16/02, 6/13/01</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>7/4/02</td>
<td>Sex. Asslt. 3°</td>
<td>C</td>
</tr>
</tbody>
</table>

AFTER A&P:

1. Print rap sheet (criminal and sex offender list inquiry).
   Highlight conviction(s): cr. no.(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

2. Deft. has previous sex/other convictions. Cr. No(s): ______
   Fill out new checklist for each case.

3. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 6-29-04  Received: 7-1-04

   Per DPA: □ Documents not needed  □ Request documents
   Letter sent: ______  Documents received: ______

5. Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).


7. Deft.'s custody: check current custody log. 6-29-04.
   □ Out of custody
   □ Custody: ______
   Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.
   □ Address same as rap sheet. □ Add 'l address: ______

8. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
   Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
   Attach Exhibit 1 (cert. Indictment/Complaint).
   1. To Rowena to sign.
   2. Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o
      Return of Service: make copies after Petition filed.
   3. Stamp "Received by" stamp on PA copy.


Cont. with A, B, or C.

PA 4/12/04
A. COP SET:

☐ 10. Inform Rowena of COP date.

☐ 11. At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge’s copy. Judge’s clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge’s copy.

Petition filed: _____ Type SP No. on Return of Service.

☐ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

☐ 13. Hoku: SOP (Sex Offender Petition) Notes: Enter SP No. in detail screen and Notes field.

Note: Temporarily use filed date as hearing date.

SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☐ 14. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).

☐ 15. Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER COP HEARING):

☐ 16. DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o

☐ 17. Dispo. Hoku: Sentence Date: _____

Hoku: Dispo. SOIA and SOP (enter hearing date)
Add: SORP (Return of Service) SP No.

☐ 18. Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

☐ 19. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING.

B. START OF TRIAL:

☐ 10. Inform Rowena when trial starts.

INITIAL APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):

☐ 11. DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft’s copy. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out SP No. on Return of Service, complete form, and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o

Petition filed: _____

☐ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

☐ 13. Sentence Date: _____

Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field. Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.

PA 4/12/04
SROP (Return of Service). Notes: SP No.

☐ 14. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

☐ 15. Certified documents: certify Order Appointing Counsel and request Verdict form from Legal Docs. and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

☐ 16. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING

C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

☒ 10. Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: 7-8-04. Type SP No. on Return of Service.

☒ 11. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

☒ 12. Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☒ 13. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

☒ 14. Place filed Petition and Return of Service with copies in SP file for Rowena to take to Sentence hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

☒ 15. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.

DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o

Court will set Petition hearing date.

☒ 16. Hoku: Dispa. SOIA

Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.

SROP (Return of Service). Notes: SP No.

☒ 17. Return file to Rowena for petition hearing.

AFTER PETITION HEARING:


☒ 21. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.

Copies: (6) PA, DA or PD, Deft., Judge, HCIDC, s/o

Sent out: 8-17-04. Filed: 10-5-04

Hoku: SOOG or SOOD. Notes: SP No.

☒ 22. Fax copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn. 10-6-04

☒ 23. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).

Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.

If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PA 4/12/04
ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on August 12, 2004, before the Honorable Michael A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Michael Shaw, being present and represented by Deputy Public Defender Gary N. Oakes, and the
Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On September 12, 2001, Respondent was convicted of “sexually violent offense(s)” as that term is defined in H.R.S. §846E-1, to wit: two (2) counts of H.R.S. Section 707-731(1)(b);

3. The victim was under the age of twelve (12) on the date of offense;

4. On April 26, 2002, Respondent was sentenced to five (5) years probation, with one (1) year of incarceration as to each count, to run concurrently;

5. On March 30, 2003, the State of Hawaii filed a Motion to Revoke Probation, based on Respondent’s failure to report to his probation officer as directed, testing positive for THC, and failing to participate in and being terminated from the Hawaii Sex Offender Treatment Program;

6. On May 11, 2004, Respondent’s probation was revoked and he was resentenced to five (5) years of incarceration;

7. On June 1, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for August 12, 2004;

8. On July 28, 2004, Respondent filed a Response to the State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;

9. On August 12, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2), (3), (4), (5), and (6) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;
10. At the hearing on August 12, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the sex offender.


APPROVED AND SO ORDERED:

[Signature]
The Honorable Michael A. Town
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

[Signature]
Gary N. Oakes
Deputy Public Defender
Attorney for Respondent Shaw
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE & POST-SENTENCE-MORE THAN 30 DAYS/
PAU CASES BEFORE 5/1/04

DEFENDANT: MICHAEL SHAW
DPA: Rowena Somerville

CR. NO. 00-1-2311 SP NO. 04-1-0178

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<tr>
<th>SC No.</th>
<th>Conviction Date</th>
<th>Custody Status</th>
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<td>OCCC</td>
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<th>Victim</th>
<th>Rpt. No.</th>
<th>D/O</th>
<th>Charge</th>
<th>Class</th>
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<tbody>
<tr>
<td>Roslyn H. Dayton</td>
<td>00422301</td>
<td>11-13-00</td>
<td>Sex. Asgnt. 3°</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>00423107</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[X1]. Run rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children. (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

[ ] 12. Deft. has previous sex/other convictions. Cr. No(s): ____________________________________________
Retrieve file(s), obtain cert. documents, PSI, and cert. HPD rpts. for ALL cases.

[ ] 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft's name.)
Fill in information above or retrieve information from file (sex offenses only).
File Location:
If none, check MRRC logs:
Appeal? Ask Appellate staff for file location:
[ ] File destroyed?
[ ] File retrieved

[X4]. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
Requested: 5-21-04 Received: 5-27-04

[ ] 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
Per DPA: [ ] Documents not needed [ ] Request documents
Letter sent: ____________________________________________ Documents received: ____________________________________________

[X6]. Request certified "usual" documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Mittimus.
If file destroyed & case not in HAJIS, use "Case Not in HAJIS" request form.
Requested: 5-13-04 & 7-29-02 Received: ___________________________
NOTE: Make a copy of any documents that are not in our case file.

[X7]. PSI: [ ] In file. [ ] No. Request from Cheryl Inouye, ACS.
Requested: ___________________________ Received: ___________________________

[X8]. HPD Report: [ ] In file. [ ] No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
Requested: 5-13-04 Received: ___________________________
Xerox 1 copy (to be redacted). Leave in file.

PA 4/12/04
A. SENTENCE/POST-SENTENCE - MORE THAN 30 DAYS:


Petition filed: 5-25-04 Type SP No. on Return of Service.

[X]12. Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).

[X]13. Hoku: SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen. Hearing date: use upcoming sentence date or hrg. date.

[X]14. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). Hold file until Petition served and Investigator returns Return of Service.

[X]15. Serve Petition on Deft: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.

Date given to ISD: 5-26-04 Served: 6-1-04

[X]16. Copies of Return of Service: (6) PA, DA, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).

Initial appearance date: 7-8-04

Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen. SORP (Return of Service). Notes: of Sex Offender Petition. SP No.

[X]17. Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket.

[X]18. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service.

Cont. with 19.
B. PAU CASES:

[ ] 11. Submit Petition for filing. On route slip, request that Messenger return all copies except Judge Perkins' copy. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins' copy.

Petition filed: __________________________ Type SP No. on Return of Service.

[ ] 12. Copy of 1st page of filed Petition to Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).

ADPA (if necessary)
SOP (Sex Offender Petition). Notes: SP No. Add SP No. in detail screen.
Note: Temporarily use filed date as hrg. date.
FILE Location: with you awaiting service of Petition.

[ ] 14. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened). If criminal file was destroyed, open SP file only.
Hold file until Petition served and Investigator returns Return of Service.

[ ] 15. Serve Petition on Def't: use Sex Offender ISD Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.(4) due date is 30 days from request.
Date given to ISD: ______________________ Served: ______________________

[ ] 16. Copies of Return of Service: (5) PA, DA, Deft., Judge Perkins, s/o. File Return of Service. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date:
Hoku: SOIA (Sex Offender Initial Appearance). Notes: SP No. Add SP No. in detail screen.
SORP (Return of Service). Notes: of Sex Offender Petition. SP No.

[ ] 17. Copy of Petition & Return of Service to PD's Office, Susan Arnett: send via Circuit Court jacket.

[ ] 18. File to Rowena for initial appearance hearing. Rowena will give DA copy of Petition and Return of Service. If DPA no longer with the office, give both criminal and SP files to Rowena.

Cont. below.

______________________________________________

AFTER INITIAL APPEARANCE HEARING:

[ ] 19. Hoku: Dispo. SOIA
SOP transaction: enter Petition hearing date.

[ ] 20. Return file to Rowena for hearing.

AFTER PETITION HEARING:


[ ] 22. Type Order Permitting or Order Denying.
Filed Order received and faxed to Kurt Spohn: Filed: 8/18/04; faxed to Norma Ueno: 8/19/04.
Hoku: SOOG or SOOD. Notes: SP No.

[ ] 23. Internet posting date: 8/18/04

[ ] 24. Send copy of order and this form to Kurt Spohn, via Circuit Court jacket (to be sent weekly):

[ ] 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
Hoku: FILE Location.

PA 4/12/04
IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

MICHAEL K. SOONG,

Petitioner,

v.

SAMUEL HEP A,

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PETITION FOR AN ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3(B)

Petitioner MICHAEL K. SOONG, in his official capacity as the Prosecuting Attorney of the County of Kauai, On behalf of the State of Hawaii, (hereinafter “Petitioner”) having filed a Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public Pursuant to H.R.S. §846E-3(b) on June 4, 2004, and said Petition having come for

[Signature]

Clark, 1st Class Court, Fifth Circuit
hearing before the Honorable Judge George M. Masuoka,
Circuit Court Judge of the Fifth Circuit, State of Hawaii,
on July 20, 2004, the Petitioner having been represented by
Craig A. De Costa, First Deputy Prosecuting Attorney for
the County of Kauai, and Respondent SAMUEL HEPA
(hereinafter "Respondent") being present and represented by
Deputy Public Defender John C. Calma, the Court having
heard and received evidence, having taken judicial notice
of the files and records herein, and being fully advised in
the premises, make the following Findings of Fact,
Conclusion of Law, and Order Granting Petition for an Order
Permitting Public Release of Sex Offender's Relevant
Information that is Necessary to Protect the Public
Pursuant to H.R.S. §846E-3(b):

FINDINGS OF FACT

1. A Complaint charging Respondent with three counts
of Sexual Assault in the Third Degree in violation of
Section 707-732(1)(b) of the Hawaii Revised Statutes was
filed on May 2, 2003.

2. The Complaint charged Respondent with knowingly
subjecting the victim, who at that time was less than 14
years old, to sexual contact three times on January 7,
2003.
3. The judgment convicting Respondent of Count 3 said (touching victim's vagina) on October 23, 2003 and Respondent was placed on probation with conditions that included four months incarceration.

4. Respondent was convicted of the offense less than one year ago.

5. Respondent continues to undergo Sex Offender Treatment and has not yet been clinically discharged.

CONCLUSION OF LAW

1. Respondent was convicted of said offense in the Fifth Circuit Court of the State of Hawaii, therefore this Court has jurisdiction to hear the Petition.

2. Considering the nature of the offense, that Respondent continues to undergo Sex Offender Treatment (has not been clinically discharged), and the recentness of the convictions, Respondent failed to overcome the presumption of dangerousness by a preponderance of the evidence and therefore Respondent is subject to Chapter 846E of the Hawaii Revised Statutes and is required to register as a sex offender. Section 846E-3(d) of the Hawaii Revised Statutes.
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED AND DECREED that the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public Pursuant to H.R.S. §846E-3(b) filed on June 4, 2004 is hereby granted.

IT IS FURTHER ORDERED that Respondent is required to register as a sex offender pursuant to H.R.S. §803E-3(b) and said registration period shall be for life.


GEORGE M. MASUOKA
Judge Of The Above-Entitled Court

APPROVED AS TO FORM:

/S/JOHN C. CALMA

JOHN C. CALMA
Attorney for Respondent
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

MAKUISA M. AMOTAI,

Respondent.

S.P. NO. 04-1-0281
(Criminal No. 04-1-0689)

ORDER PERMITTING PUBLIC
RELEASE OF SEX OFFENDER'S
RELEVANT INFORMATION THAT IS
NECESSARY TO PROTECT THE
PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: September 28, 2004
Time: 8:30 a.m.
Judge: Michael A. Town

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 28, 2004, before the Honorable Michael A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Makuisa M. Amotai, being present and represented by Deputy Public Defender Travis J. Stephens.
and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On September 28, 2001, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1, to wit: one (1) count of Sexual Assault in the Third Degree, pursuant to H.R.S. Section 707-732(1)(b);

3. The victim was under the age of twelve (12) on the date of offense;

4. On July 15, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for September 28, 2004;

5. On July 28, 2004, Respondent filed a Response to the State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3;

6. On September 28, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

7. At the hearing on September 28, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
8. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the sex offender.


APPROVED AND SO ORDERED:

MICHAEL A. TOWN

The Honorable Michael A. Town
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Travis J.L. Stephens, Jr.
Travis J.L. Stephens
Deputy Public Defender
Attorney for Respondent Shaw
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS
(After 5/1/04)

<table>
<thead>
<tr>
<th>DEFENDANT: Makuisa M. Amotai</th>
<th>DPA: Rowena Somerville</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR. NO.: 04-1-0689</td>
<td>SP NO.: 04-1-0281</td>
</tr>
<tr>
<td>SCT. NO.:</td>
<td></td>
</tr>
<tr>
<td>CONVICTION DATE: 7/15/04</td>
<td>CUSTODY STATUS: OCCC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gioanualeah D. Smith-Okesene</td>
<td>04138084</td>
<td>4/5/04</td>
<td>Sex Assault 3</td>
<td>C</td>
</tr>
</tbody>
</table>

AFTER A&P:

1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s); cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

2. Deft. has previous sex/other convictions. Cr. No(s): None
   Fill out new checklist for each case.

3. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 7/13/04 Received: 7/14/04

   Per DPA: ☐ Documents not needed ☐ Request documents
   Letter sent: None Documents received: ___

5. Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).


7. Deft’s custody: check current custody log. _____
   ☒ Out of custody ☒ Custody: OCCC
   Last known address: search PRODCICS (ADLA & M55N) & HPD’s HIQ system.
   ☒ Address same as rap sheet. ☒ Add’l address: ______

8. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
   Deft’s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use “AND/OR” between addresses.
   Attach Exhibit 1 (cert. Indictment/Complaint).
   1. To Rowena to sign.
   2. Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o
   Return of Service: make copies after Petition filed.
   3. Stamp “Received by” stamp on PA copy.

9. Place Petition and copies in manila envelope, stamp “Sex Offender Petition packet” on envelope and leave in criminal file.
   Keep s/o for yourself.

Cont. with A, B, or C.

PA 4/12/04
A. COP SET:

☐ 10. Inform Rowena of COP date.

☐ 11. At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: 7/18/04. Type SP No. on Return of Service.

☐ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly) 7/23/04.

☐ 13. Hoku: SOP (Sex Offender Petition) Notes: Enter SP No. in detail screen and Notes field.

Note: Temporarily use filed date as hearing date.

SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☐ 14. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).

☐ 15. Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER COP HEARING):

☐ 16. DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition.

DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o

☐ 17. Dispo. Hoku: Sentence Date: 9/28/04

Hoku: Dispo. SOIA and SOP (enter hearing date)

Add: SORP (Return of Service). SP No.

☐ 18. Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

☐ 19. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING.

B. START OF TRIAL:

☐ 10. Inform Rowena when trial starts.

INITIAL APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):

☐ 11. DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft’s copy.

DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.

DPA will fill out SP No. on Return of Service, complete form, and return to you for filing.

Copies: (5) PA, DA or PD, Judge, Deft., s/o

Petition filed:

☐ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly) 4/12/04.

☐ 13. Sentence Date:

Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

Add: SOF (Sex Offender Petition) Enter SP No. in detail screen and Notes field.

SORP (Return of Service). Notes: SP No.
☐ 14. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

☐ 15. Certified documents: certify Order Appointing Counsel and request Verdict form from Legal Docs. and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

☐ 16. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING.
C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

☐ 10. Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge’s copy.

Petition filed: ____. Type SP No. on Return of Service.

☐ 11. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly)

☐ 12. Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☐ 13. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

☐ 14. Place filed Petition and Return of Service with copies in SP file for Rowena to take to Sentence hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

☐ 15. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.

DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deft., s/o

Court will set Petition hearing date.

☐ 16. Hoku: Dispo. SOIA

Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.

SORP (Return of Service). Notes: SP No.

☐ 17. Return file to Rowena for petition hearing.

_________________________________________________________

AFTER PETITION HEARING:


☒ 21. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.

Copies: (6) PA, DA or PD, Deft., Judge, s/o

Sent out: 9/30/04. Filed: 10/5/04.

Hoku: SOOG or SOOD. Notes: SP No.

☒ 22. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.

10/14/04

☒ 23. Attach SP file to criminal file and return to criminal file’s original location (record retention stays the same).

Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.

If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, )

Petitioner.

v. )

ROBERT DERECHO, JR., )

Respondent.

) S.P. NO. 04-1-0303
) (Criminal No. 02-1-1327)
) ORDER PERMITTING PUBLIC
) RELEASE OF SEX OFFENDER’S
) RELEVANT INFORMATION THAT IS
) NECESSARY TO PROTECT THE
) PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: October 7, 2004
Time: 10:00 a.m.
Judge: Michael A. Town

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT
INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC
PURSUANT TO H.R.S. §846E-3

The State of Hawai’i’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on October 7, 2004, before the Honorable Michael A. Town, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Robert Derego, Jr., being present and represented by Deputy Public Defender Edward K. Harada and
the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter “H.R.S.”) Section 846E-3(d);

2. On May 10, 2004, Respondent was convicted of a “criminal offense against a victim who is a minor” as that term is defined in H.R.S. §846E-1, to wit: Sexual Assault in the Third Degree pursuant to H.R.S. Section 707-732(1)(b);

3. The victim was twelve (12) years of age on the date of offense;

4. On October 23, 2002, Respondent was sentenced to five (5) years probation, with sixty (60) days of jail;

5. On March 9, 2004, the State of Hawaii filed a Motion for Revocation of Probation, Resentencing and Issuance of Bench Warrant;

6. The attached affidavit of Senior Probation Officer Karen K.F. Okamoto stated that the Respondent failed to refrain from the use of illegal drugs, failed to enter a residential substance abuse treatment as directed, failed to participate satisfactorily in the Hawaii Sex Offender Treatment Program, and failed to report to his probation officer;

7. Respondent’s probation was subsequently revoked on September 17, 2004, and he was resentenced to five (5) years imprisonment;

8. On August 9, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3 and a hearing was set for September 17, 2004;

10. On September 17, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) through (7) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

11. The Court denied the State of Hawaii’s Petition citing H.R.S. §846E-1, the definition of “criminal offense against a victim who is a minor,” subsection (7);

12. On September 28, 2004, Petitioner filed a Motion to Reconsider Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, and a hearing was set for October 7, 2004;

13. On October 7, 2004, the Court granted the Petitioner’s Motion to Reconsider;

14. At the hearing on October 7, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;

15. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the sex offender pursuant to H.R.S. §846E-3(d)(4).


APPROVED AND SO ORDERED:

__________________________
The Honorable Michael A. Town
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

__________________________
Edward K. Harada
Deputy Public Defender
Attorney for Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS
(After 5/1/04)

DEFENDANT: Robert Derego, Jr.  DPA: Rowena Somerville
CR. NO.: 02-1-1327  SP NO.: 04-1-0303
SCT. NO.: CONVICTION DATE: 10/23/02  CUSTODY STATUS: In Custody

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joni Andrin</td>
<td>02048707</td>
<td>11/01</td>
<td>Sexual Assault 3</td>
<td></td>
</tr>
</tbody>
</table>

AFTER A&P:

☑ 1. Print rap sheet (criminal and sex offender full inquiry)
   Highlight conviction(s): ☑ no(s); ☑ sent of extended term; ☑ sent of repeat offender; conviction of crime against children.
   (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convictions. Cr. No(s): ______
   Fill out new checklist for each case.

☑ 3. Request NCIC primout from ISD. Route to DPA to highlight applicable convictions, if any.
   Requested: 7/29/04  Received: 8/2/04

   Per DPA: ☐ Documents not needed  ☐ Request documents
   Letter sent: ______  Documents received: ______

☑ 5. Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).


☐ 7. Deft's custody: check current custody log. ______
   ☑ Out of custody  ☑ Custody: ______
   Last known address: search PRODCICS (ADLA & M55N) & HPD's fiQ system.
   ☐ Address same as rap sheet.  ☐ Add'l address: ______

☑ 8. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
   Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
   Attach Exhibit 1 (cert. Indictment/Complaint).
   1. To Rowena to sign.
   2. Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o
      Return of Service: make copies after Petition filed.
   3. Stamp "Received by" stamp on PA copy.

☑ 9. Place Petition and copies in manila envelope, stamp "Sex Offender Petition packet" on envelope and leave in criminal file.
   Keep s/o for yourself.

Cont. with A, B, or C.
A. COP SET:

[ ] 10. Inform Rowena of COP date.

[ ] 11. At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: _____ Type SP No. on Return of Service.

[ ] 12. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

[ ] 13. Hoku: SOP (Sex Offender Petition) Notes: Enter SP No. in detail screen and Notes field.
   Note: Temporarily use filed date as hearing date.
   SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

[ ] 14. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).

[ ] 15. Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER COP HEARING):

[ ] 16. DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition.
   DPA will fill out Return of Service and return to you to have filed: Copies: (9) PA, DA or PD, Deft., Judge, s/o

[ ] 17. Dispo. Hoku: Sentence Date: _____
   Hoku: Dispo. SOIA and SOP (enter hearing date)
   Add: SORP (Return of Service). SP No.

[ ] 18. Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

[ ] 19. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING

B. START OF TRIAL:

[ ] 10. Inform Rowena when trial starts.

INITIAL APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):

[ ] 11. DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft's copy.
   DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.
   DPA will fill out SP No. on Return of Service, complete form, and return to you for filing.
   Copies: (9) PA, DA or PD, Judge, Deft., s/o

Petition filed: _____

[ ] 12. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

[ ] 13. Sentence Date: _____
   Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
   Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.
   SORP (Return of Service). Notes: SP No.

PA 4/12/04
☐ 14. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

(Note: Indictment/Complaint was probably already obtained.)

☐ 16. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING.
C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

☒ 10. Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: 8/3/04. Type SP No. on Return of Service.

☒ 11. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly) 8/3/04.

☒ 12. Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☒ 13. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

☒ 14. Place filed Petition and Return of Service with copies in SP file for Rowena's to take to Sentence hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

☒ 15. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Deftu., s/o

Court will set Petition hearing date.

☒ 16. Hoku: Dispo. SOIA

Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.

SORP (Return of Service). Notes: SP No.

☒ 17. Return file to Rowena for petition hearing.

________________________________________

AFTER PETITION HEARING:


☒ 21. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.

Copies: (6) PA, DA or PD, Deftu., Judge, s/o

Sent out: _______ Filed: 10/13/04.

Hoku: SOOG or SOOD. Notes: SP No.

☒ 22. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn.

□ 23. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).

Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.

If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PA 4/12/04
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

KEONI MANIBOG,

Respondent.

S.P. NO. 04-1-0232
(Criminal No. 03-1-2761)

ORDER PERMITTING PUBLIC
RELEASE OF SEX OFFENDER'S
RELEVANT INFORMATION THAT IS
NECESSARY TO PROTECT THE
PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: September 3, 2004
Time: 9:15 a.m.
Judge: David W. Lo

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER'S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii's Petition for an Order Permitting Public Release of Sex Offender's Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 3, 2004, before the Honorable David W. Lo, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent Keoni Manibog, being present and represented by Deputy Public Defender William H. Jameson, Jr. and
the Court having carefully considered the pleadings and evidence presented at said hearing, hereby
finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter “H.R.S.”) Section 846E-3(d);

2. On April 14, 2004, Respondent was convicted of “sexually violent offense” as that
term is defined in H.R.S. §846E-1, to wit: Sexual Assault in the Second Degree, H.R.S. Section 707-
731(1)(a);

3. On September 3, 2004, Respondent was sentenced to five (5) years of probation with
the special condition of one (1) year imprisonment;

4. On July 1, 2004, Respondent was served the Petition for an Order Permitting Public
Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to
H.R.S. §846E-3 and a hearing was set for September 3, 2004;

5. On July 29, 2004, Respondent filed a Response to the State of Hawaii’s Petition for
an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to
Protect the Public pursuant to H.R.S. §846E-3;

6. On September 3, 2004, a hearing was held wherein the State of Hawaii proved by a
preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption
that public release of relevant information regarding the sex offender is necessary to protect the
public;

10. At the hearing on September 3, 2004, Respondent was given an opportunity to rebut
said presumption and to show that he does not represent a threat to the community and that public
release of relevant information is not necessary;
11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for a period of twenty-five (25) years commencing upon the release of Respondent from incarceration.


APPROVED AND SO ORDERED OCT - 7 2004

[Signature]

The Honorable David W. Lo
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

[Signature]
William H. Jameson, Jr.
Deputy Public Defender
Attorney for Respondent
**DEPARTMENT OF THE PROSECUTING ATTORNEY**

**SEX OFFENDER NOTIFICATION**

**AND REPORT TO THE ATTORNEY GENERAL**

**COP or VERDICT or SENTENCE or POST-SENTENCE-LESS THAN 30 DAYS**

*(After 5/1/04)*

| DEFENDANT: | Keoni Manibog | DPA: | Rowena Somerville |
| CR. NO.: | 03-1-2761 | SP NO.: | 04-1-0232 |
| SCT. NO.: |  | CUSTODY STATUS: | OCCC |
| CONVICTION DATE: | 7/1/04 | |

| VICTIM | RPT. NO. | D/O | CHARGE | CLASS |
| Julie Ann Taurua | 03480888 | 12/1/03 | Burglary 1 | B |
| Julie Ann Taurua | 03480889 | " | Sex Assault 2° | B |

**AFTER A&P:**

1. **Print rap sheet (criminal and sex offender full inquiry)**
   - Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
   - (If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

2. **Deft. has previous sex/other convictions. Cr. No(s): None**
   - Fill out new checklist for each case.

3. **Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.**
   - Requested: 6/10/04
   - Received: 6/14/04

4. **Out-of-state sex conviction: send letter to appropriate agency requesting documents.**
   - Per DPA: ☐ Documents not needed ☐ Request documents
   - Letter sent: None
   - Documents received: ______

5. **Certify 2 copies of Indictment/Complaint (1 for Petition; 1 for Rowena).**

6. **HPD Report:** ☒ In file. ☐ Not received yet.

7. **Deft.'s custody: check current custody log.**
   - ☐ Out of custody ☒ Custody: OCCC
   - Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.
   - ☒ Address same as rap sheet. ☐ Add'l address: ______

8. **Type Petition (Old Cases) and Return of Service – 1 per cr. no.**
   - Deft.'s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check.
   - Multiple addresses: use "AND/OR" between addresses.
   - Attach Exhibit 1 (cert. Indictment/Complaint).
   - 1. To Rowena to sign.
   - 2. Copies: Petition: (6): PA, private DA or PD, Deft. (cert.), Judge, Legal Docs., s/o
   - Return of Service: make copies after Petition filed.
   - 3. Stamp "Received by" stamp on PA copy.

9. **Place Petition and copies in manila envelope, stamp "Sex Offender Petition packet" on envelope and leave in criminal file.**
   - Keep s/o for yourself.

Cont. with A, B, or C.

PA 4/12/04
A. COP SET:

☒ 10. Inform Rowena of COP date.

☒ 11. At least 4 days before COP date: submit Petition to COP Judge. On route slip, (1) request court to set initial appearance on the same date as sentence; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, and initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: 6/30/04 Type SP No. on Return of Service.

☒ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly) 7/7/04.

☒ 13. Hoku: SOP (Sex Offender Petition) Notes: Enter SP No. in detail screen and Notes field.
Note: Temporarily use filed date as hearing date.
SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☒ 14. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).

☒ 15. Place filed Petition and Return of Service in SP file and give to Rowena to take to COP hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER COP HEARING):

☒ 16. DPA will distribute copies to defense atty., and have deft. sign on PA copy of Petition.
DPA will fill out Return of Service and return to you to have filed: Copies: (5) PA, DA or PD, Deft., Judge, s/o

☒ 17. Dispo. Hoku: Sentence Date: 9/3/04
Hoku: Dispo. SOIA and SOP (enter hearing date)
Add: SORP (Return of Service). SP No.

☒ 18. Certified documents: certify Order Appointing Counsel and Guilty Plea and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

☒ 19. Return SP file to Rowena.

Cont. with AFTER PETITION HEARING.

B. START OF TRIAL:

☐ 10. Inform Rowena when trial starts.

INITIAL APPEARANCE (IMMEDIATELY AFTER GUILTY VERDICT):

☐ 11. DPA will submit Petition to Trial Judge. Clerk will call Legal Docs. for SP No., sign Summons, fill in sentence date and time, conform copies, file in open court, and certify deft's copy.
DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition.
DPA will fill out SP No. on Return of Service, complete form, and return to you for filing.
Copies: (5) PA, DA or PD, Judge, Deft., s/o

Petition filed: __________

☐ 12. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly) __________

☐ 13. Sentence Date: __________
Hoku: Add and Dispo: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.
Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.
SORP (Return of Service). Notes: SP No.

PA 4/12/04
☐ 14. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

☐ 15. Certified documents: certify Order Appointing Counsel and request Verdict form from Legal Docs. and leave in SP file. (Note: Indictment/Complaint was probably already obtained.)

☐ 16. Return SP file to Rowena.

Cont. with **AFTER PETITION HEARING**.
C. SENTENCE/POST-SENTENCE HEARING SET (LESS THAN 30 DAYS):

☐ 10. Submit Petition to Sentence Judge. On route slip, (1) request court to set initial appearance on the same date as sentence or hrg.; and (2) request Messenger to return all copies except Judge's copy. Judge's clerk will sign Summons, fill in date and time, conform copies, initial next to blank SP No. Messenger will take to Legal Docs., who will assign SP No., file-stamp document, and distribute only Judge's copy.

Petition filed: _____. Type SP No. on Return of Service.

☐ 11. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly)

☐ 12. Hoku: Transaction: SOIA (Sex Offender Initial Appearance) Enter SP No. in detail screen and Notes field.

☐ 13. Open new SP file. Write red SP No. on top left corner of criminal file (this will alert you that an SP file is opened).

☐ 14. Place filed Petition and Return of Service with copies in SP file for Rowena to take to Sentence hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

☑ 15. DPA will distribute copies to Judge, defense atty., and have deft. sign on PA copy of Petition. DPA will fill out Return of Service and return to you for filing. Copies: (5) PA, DA or PD, Judge, Def't., s/o

Court will set Petition hearing date.

☑ 16. Hoku: Dispo. SOIA

Add: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes field.
SORP (Return of Service). Notes: SP No.

☑ 17. Return file to Rowena for petition hearing.

______________________________

AFTER PETITION HEARING:


☑ 21. Send out Order Permitting or Order Denying (prepared by Rowena) for filing. Copies: (6) PA, DA or PD, Def't., Judge, s/o

Sent out: 9/16/04. Filed: 10/7/04.

Hoku: SOOG or SOOD. Notes: SP No.

☑ 22. Fax copy of Order and this form to Norma Ueno, HCIDC, for completion and transmittal to Kurt Spohn. 10/23/04

☑ 23. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same). Hoku: FILE Location.

If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, )

Petitioner. )

v. )

WALTER FUNAKOSHI, JR., )

Respondent. )

S.P. NO. 04-1-0223 )
(Criminal No. 03-1-1800 )

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

Hearing: September 29, 2004
Time: 11:30 a.m.
Judge: Michael D. Wilson

ORDER PERMITTING PUBLIC RELEASE OF SEX OFFENDER’S RELEVANT INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC PURSUANT TO H.R.S. §846E-3

The State of Hawaii’s Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. §846E-3, having come on for hearing on September 29, 2004, before the Honorable Michael D. Wilson, the State of Hawaii being represented by Deputy Prosecuting Attorney Rowena A. Somerville and Respondent
Walter Funakoshi, Jr., being present and represented by Samuel P. King, Jr., and the Court having carefully considered the pleadings and evidence presented at said hearing, hereby finds as follows:

1. The Court has jurisdiction over this matter pursuant to Hawaii Revised Statutes (hereinafter "H.R.S.") Section 846E-3(d);

2. On August 18, 2001, Respondent was convicted of "sexually violent offense(s)" and/or a "criminal offense against a victim who is a minor," as those terms are defined in H.R.S. §846E-1, to wit: two (2) counts of Sexual Assault in the First Degree, pursuant to H.R.S. Section 707-730(1)(b), three (3) counts of Sexual Assault in the First Degree, pursuant to H.R.S. Section 707-730(1)(c), twelve (12) counts of Sexual Assault in the Third Degree, pursuant to H.R.S. Section 707-732(1)(b), six (6) counts of Sexual Assault in the Third Degree, pursuant to H.R.S. Section 707-732(1)(c);

3. The offenses occurred when the victim was under the age of twelve (12) and continued until age sixteen (16);

4. On July 15, 2004, Respondent was served the Petition for an Order Permitting Public Release of Sex Offender’s Relevant Information that is Necessary to Protect the Public pursuant to H.R.S. 8846E-3 and a hearing was set for September 29, 2004;

5. On August 30, 2004, Respondent filed a Answer to Petition Filed June 29, 2004;

6. On September 29, 2004, a hearing was held wherein the State of Hawaii proved by a preponderance of the evidence paragraphs (2) and (3) above, thereby giving rise to the presumption that public release of relevant information regarding the sex offender is necessary to protect the public;

7. At the hearing on September 29, 2004, Respondent was given an opportunity to rebut said presumption and to show that he does not represent a threat to the community and that public release of relevant information is not necessary;
8. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and

2. The duration of public release of information shall be for the life of the sex offender.


APPROVED AND SO ORDERED:

MICHAEL O. WILSON
The Honorable Michael D. Wilson
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

Samuel P. King, Jr.
Attorney for Respondent
DEPARTMENT OF THE PROSECUTING ATTORNEY

SEX OFFENDER NOTIFICATION
AND REPORT TO THE ATTORNEY GENERAL

SENTENCE or POST-SENTENCE—MORE THAN 30 DAYS
(Before 5/1/04)

DEFENDANT: Walter FUNAKOSHI JR.          DPA: Rowena Somerville
CR. NO.: 03-1-1800                      SP NO.: 04-1-0223
SCT. NO.:                               CUSTODY STATUS: OCCC
CONVICTION DATE: 08-18-04

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>RPT. NO.</th>
<th>D/O</th>
<th>CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shanel Mendigori</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

☐ 1. Print rap sheet (criminal and sex offender full inquiry)
Highlight conviction(s): cr. no(s); sent. of extended term; sent. of repeat offender; conviction of crime against children.
(If not sure, give to Rowena to highlight and ask whether only documents are needed for hearing or a petition needs to be filed in sex cases.)

☐ 2. Deft. has previous sex/other convition(s). Cr. No(s): ______
Fill out new checklist for each case.

☐ 3. Check Hoku or pull White Card for File Location/Cr. No. (Search by deft’s name.)
Fill in information above or retrieve information from file (sex offenses only).
File Location: ______
If none, check MRRC logs: ______
Appeal? Ask Appellate staff for file location: ______
☐ File destroyed? ______
☐ File retrieved ______

☒ 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
Requested: 6-25-04  Received: 6-25-04

☐ 5. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
Per DPA: ☐ Documents not needed  ☐ Request documents
Letter sent: ______  Documents received: ______

☒ 6. Request certified “usual” documents. NOTE: Certify 2 copies of Indictment/Complaint & Judgment/Minimus.
If file destroyed & case not in HAJIS, use “Case Not in HAJIS” request form.
Requested: 6-25-04  Received: 6-25-04
NOTE: Make a copy of any documents that are not in our case file.

☒ 7. PSI: ☒ In file. ☐ No. Request from Cheryl Inouye, APD.
Requested: ______  Received: ______

Requested: ______  Received: ______

☒ 9. Deft’s custody: check current custody log. ______
☒ Out of custody  ☐ Custody:
Last known address: search PRODCICS (ADLA & M55N) & HPD’s IIQ system.
☐ Address same as rap sheet.  ☐ Add’l address: ______

☒ 10. To Rowena for approval to file petition.

Cont. with A. or B.

PA 4/12/04
A. SENTENCE or POST-SENTENCE – MORE THAN 30 DAYS:

✓ 11. Type Petition (Old Cases) and Return of Service – 1 per cr, no.
Deft's address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use "AND/OR" between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment & Mittimus)
✓ To Rowena to sign.
✓ Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o Return of Service: make copies after Petition filed.
✓ Stamp "Received by" stamp on PA copy.

✓ 12. Submit Petition for filing. On route slip, request that Messenger return all copies except Judges' copies. Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file-stamp document. Messenger will distribute only Judges' copies.

Petition filed: 6-29-04. Type SP No. on Return of Service.

✓ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly) (faxed 6/30/04).

✓ 14. Hoku: SOP (Sex Offender Petition) Enter SP No. in detail screen and Notes screen.
Hearing date: use upcoming sentence date or hrg. date.

✓ 15. Open new SP file. Write red SP No. in top left corner of criminal file (this will alert you that an SP file is opened).
Hold file until Petition served and Investigator returns Return of Service.

✓ 16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft. by due date (30 days before hearing date); (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft.
Attach Deft.'s detail screen from Hoku.

Date given to ISD: 6-30-04 Served: 7-6-04

✓ 17. Copies of Return of Service: (6) PA, private DA or PD, Deft., Hrg. Judge, Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges' copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date: 7-15-04
Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
SORP (Return of Service). Notes: SP No.

✓ 18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. has a private attorney in his criminal case, leave copy of Petition and Return of Service in file.

✓ 19. SP file to Rowena for initial appearance hearing. Rowena will give private DA copy of Petition and Return of Service. Criminal file to DPA.

Cont. with 20.
B. PAU CASES:

☐ 11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Deft’s address(es) on Certificate of Service: take from rap sheet or sex offender rap or sex offender list or custody check. Multiple addresses: use “AND/OR” between addresses.
Attach Exhibits 1 (cert. Indictment/Complaint) and 2 (cert. Judgment/Mittimus)
1. To Rowena to sign.
3. Stamp “Received by” stamp on PA copy.

Messenger will take to Legal Docs., who will sign Summons, assign SP No. and file document. Messenger will distribute only Judge Perkins’ copy.

Petition filed: ______ Type SP No. on Return of Service.

☐ 13. Xerox 1st page of filed Petition for Kurt Spohn, AG’s Office: send via Circuit Court jacket (to be sent weekly).

☐ 14. Hoku: White card case or Out-of-State case: ADD case in Hoku. (See your samples.)
ADPA (if necessary)
SOP (Sex Offender Petition). Enter SP No. in detail screen and Notes screen.
Note: Temporarily use filed date as b/cg. date.
FILE Location: with you awaiting service of Petition.

☐ 15. Open SP file. Write red SP No. in top left corner of criminal file (this will alert you that SP file is opened).
Hold file until Petition served and Investigator returns Return of Service.

☐ 16. Serve Petition on Deft: use Sex Offender Investigator Request form to have Investigator (1) serve petition on deft.; (2) have deft. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to deft. (4) due date is 30 days from request.
Attach Deft.’s detail screen from Hoku.
Date given to ISD: __________ Served: ________

☐ 17. Copies of Return of Service: (5) PA, PD, Deft., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judges’ copies. Make sure Judge Perkins gets his copy of Return of Service to calendar initial appearance date (he should have already gotten his copy of Petition).
Initial appearance date: ________
Hoku: SOIA (Sex Offender Initial Appearance). Enter SP No. in detail screen and Notes screen.
SORP (Return of Service). SP No.

☐ 18. Send out PD’s copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If deft. retains a private attorney, he/she will get PD’s copy of Petition and Return of Service at time of the hearing.

☐ 19. Files(s) to Rowena for initial appearance hearing.

Cont. with 20.
AFTER INITIAL APPEARANCE HEARING:

☑ 20. Hoku: Dispo. SOIA
   SOP transaction: enter Petition hearing date.

☑ 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:


☑ 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
   Copies: (6) PA, DA or PD, Deft., Judge, HCJDC, s/o
   Sent out: 10-5-04. Filed: 10/15/04.
   Hoku: SOOG or SOOD. Notes: SF No.

☑ 24. Fax copy of Order and this form to Norma Ueno, HCJDC, for completion and transmittal to Kurt Spohn. 10/20/04

☑ 25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
   Hoku: FILE Location.
   If original criminal file was destroyed, retention will be 10 yrs. and case filed under criminal no.
   If there is only an SP file, retention will be 10 yrs. and case filed before FC Nos.

PA 4/12/04
<table>
<thead>
<tr>
<th>REPORT NO.</th>
<th>DATE OF OFFENSE</th>
<th>CHARGE</th>
<th>CLASS</th>
</tr>
</thead>
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