

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL



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

SUBMITTED TO
THE TWENTY-SECOND LEGISLATURE
STATE OF HAWAII

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

children registry. In 1996, *Megan's Law* amended the *Wetterling Act*. It required states to establish a community notification system to notify the police and the public when sex offenders were released. The *Pam Lychner Sexual Offender Tracking and Identification Act of 1996* amended the *Wetterling Act*. The *Lychner Act* requires lifetime registration for recidivists and offenders who commit certain aggravated sexual offenses.

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

PROSECUTING ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96821
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

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FIRST CIRCUIT COURT
STATE OF HAWAII
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F. OTAKE
CLERK

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. §846E-3(b);

7. On September 23, 2004, Deputy Prosecuting Attorney Rowena Somerville and Respondent appeared before the Honorable Richard K. Perkins for a status conference on the record;

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;

10. On October 28, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;

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. §846E-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.

Dated at Honolulu, Hawaii: November 9, 2004.

APPROVED AND SO ORDERED:

RHONDA A. NISHIMURA

SEAL

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

APPROVED AS TO FORM:

Loreto Rabago Ibon.
Respondent

1/s/ RAN

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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: Loreto Ibon	DPA: Rowena Somerville
CR. NO.: 92-1045	SP NO.: 04-1-0333
SCT. NO.:	
CONVICTION DATE: April 7, 1994	CUSTODY STATUS: Not in custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Teehna Pascua	92163511	4-27-92	Sexual Assault 1°	A
Teehna Pascua	92164088	4-27-92	Sexual Assault 3°	C
Teehna Pascua	92164090	4-27-92	Sexual Assault 3°	C
Teehna Pascua	92164092	4-27-92	Sexual Assault 3°	C
Teehna Pascua	92164085	4-26-92	Sexual Assault 3°	C
Teehna Pascua	92164086	4-26-92	Sexual Assault 3°	C
Teehna Pascua	92164087	4-2692	Sexual Assault 3°	C

- 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: 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.
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: 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 Inouye, APD.
Requested: 6-10-04 Received: 6-15-04
- 8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
Requested: 6-10-04 Received: 7-28-04

- 9. Def's custody: check current custody log. 8-11-04.
 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 cr. no.
 Def't'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.
 2. Copies: Petition: (6): PA, PD, Deft.(cort.), Judge Perkins, Legal Docs., s/o
 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 Def't: use Sex Offender Investigator Request form to have Invctigator (1) serve petition on def't.; (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't.(4) due date is 30 days from request.
 Print and attach 1st page of Sex Offender rap sheet.
 Date given to ISD: 8-25-04 Served: 9-21-04
- 17. Copies of Return of Service: (5) PA, PD, Def't., Judge Perkins, s/o. File Return of Service. On route slip, request that Messenger return all copies except Judgcs' 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. 04-1-0333
- 18. Send out PD's copy of Petition and Return of Service to Susan Arnett via Circuit Court jacket. If def't. 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:

22. Hoku. Dispo. SOP (Petition hearing). Disposition: life
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: 11-9-04
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.

PROSECUTING ATTORNEY

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Deputy Prosecuting Attorney
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Ph: 547-7400
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Attorneys for Petitioner

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STATE OF HAWAII
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M. LIVICA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

STATE OF HAWAII,
Petitioner.

v.

BENJAMIN BALALONG,
Respondent.

) S.P. NO. 04-1-0228
) (CR. No. 87-0644)
)
) 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 17, 2004
) Time: 9:00 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 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.

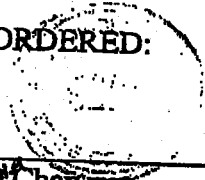
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

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.

Dated at Honolulu, Hawaii: November 17, 2004.

APPROVED AND SO ORDERED:


DERRICK HAN



The Honorable Derrick Chan
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

NOV 23 2004


 Shirley Kawamura
 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: Benjamin Balalong	DPA: Rowena Somerville
CR. NO.: 87-0644	SP NO.: 04-1-0228
SCT. NO.:	
CONVICTION DATE: 8-15-04	CUSTODY STATUS: In custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Lesley Ann Puna Kondo	W81464-2	5-31-87	Att. Sexual Assault 1°	A

- 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 def'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 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 & 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 cr. no.
Def't'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.
2. Copies: Petition: (6): PA, PD, Def't.(cert.), Judge Perkins, Legal Docs., s/o
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: 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 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 Investigator Request form to have Investigator (1) serve petition on def't.; (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't.(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, Def't., 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 def't. 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:

22. Hoku. Dispo. SOP (Petition hearing). Disposition: Life
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: 11-18-04. 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.

PROSECUTING ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

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THE CIRCUIT COURT
STATE OF HAWAII
FILED

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B. TERAOKA
CLERK

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. §846E-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.

Dated at Honolulu, Hawaii: November 4, 2004.

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

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)**

DEFENDANT: Thomas Nowlin	DPA: Rowena Somerville
CR. NO.: 93-0301	SP NO.: 04-1-0429
SCT. NO.: 22306	
CONVICTION DATE: 5-6-94	CUSTODY STATUS: Not in Custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Lindsey Anne Barham	93049773	2-5-93	Sexual Assault 3°	C
	93050508	2-5-93	Sexual Assault 3°	C
	93050509	2-5-93	Sexual Assault 3°	C

- 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: _____ 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: _____
- 8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim
from HPD Records.
Requested: _____ Received: _____
- 9. Deft's custody: check current custody log. _____
 Out of custody Custody: _____
Last known address: search PRODCICS (ADLA & MSSN) & HPD's IIQ system.
 Address same as rap sheet. Add'l 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/Mittimus)
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.
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: 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: 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:

22. Hoku: Dispo. SOP (Petition hearing). Disposition: Granted - Life
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: 11-5-04. 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.

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

1ST CIRCUIT COURT
STATE OF HAWAII
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FORM JUST DATA CTR

M.N. TANAKA
CLERK

PROSECUTING ATTORNEY
CAREER CRIMINAL
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,
Petitioner.

v.

KEVIN KURASAKI,
Respondent.

S.P. NO. 04-1-0286
(Criminal No. 99-0590)

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 1, 2004
Time: 10:30 a.m.
Judge: Virginia L. Crandall

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. §846E-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.

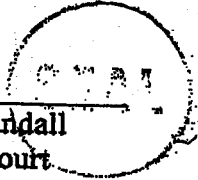
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

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:

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



APPROVED AS TO FORM:

Debra Loy

Debra Loy
Deputy Public Defender

NOV 13 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: Kevin K. Kurasaki	DPA: Rowena Somerville
CR. NO.: 99-0590	SP NO.: 04-1-0286
SCT. NO.:	
CONVICTION DATE: 6-26-00	CUSTODY STATUS: Not in custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Rachel Loo	99102960	12/25/98 - 1/1/99	Sexual Assault 3°	
Rachel Loo	99102093	12/25/98 - 1/1/99	Sexual Assault 3°	
Rachel Loo	99102962	12/25/98 - 1/1/99	Sexual Assault 3°	
Rachel Loo	99102963	12/25/98 - 1/1/99	Sexual Assault 3°	
Rachel Loo	99102964	12/25/98 - 1/1/99	Sexual Assault 3°	
Rachel Loo	99102965	12/25/98 - 1/1/99	Sexual Assault 3°	
Rachel Loo	99102967	1/1/99 - 3/18/99	Sexual Assault 3°	
Rachel Loo	99102070	3/18/99	Sexual Assault 3°	
Rachel Loo	99102971	3/18/99	Sexual Assault 3°	
Rachel Loo	99102969	3/18/99	Sexual Assault 3°	
Rachel Loo	99102968	3/18/99	Sexual Assault 3°	

- 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: _____ 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: _____

- 8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
Requested: _____ Received: _____
- 9. Def't'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.

B. PAU CASES:

- 11. Type Petition (Old Cases) and Return of Service -- 1 per cr. no.
Def't's address(es) on Certificate of Service: take from rap sheet or scx 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.
2. Copies: Petition: (6): PA, PD, Def't.(cert.), Judge Perkins, Legal Docs., s/o
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: 7-23-04. 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.
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 Investigator Request form to have Investigator (1) serve petition on def't.; (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't.(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: 9-17-04
- 17. Copies of Return of Service: (5) PA, PD, Def't., 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 def't. 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:

22. Hoku. Dispo. SOP (Petition hearing). Disposition: LIFE

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: 11-2-04. Filed: 11-10-04.
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.
11-19-04

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.

PROSECUTING ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6643
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

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1ST CIRCUIT COURT
STATE OF HAWAII
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B. TERAKA
CLERK

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PROSECUTING ATTORNEY
CAREER CRIMINAL

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,
Petitioner.

v.

RUDOLPH BAILEY, *143037*
Respondent.

S.P. NO. 04-1-0380
(F.C. CR. No. 97-0019)

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: 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
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. §846E-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;

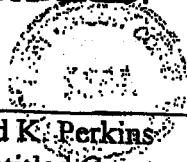
9. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §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.

Dated at Honolulu, Hawaii: November 4, 2004.

APPROVED AND SO ORDERED:


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

APPROVED AS TO FORM:

NOV 12 2004

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)**

DEFENDANT: RUDOLPH BAILEY	DPA: Rowena Somerville
CR. NO.: 97-0019	SP NO.: 04-1-0380
SCT. NO.:	
CONVICTION DATE: 11/9/98	CUSTODY STATUS: Not in Custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Jamie Bailey	97148365	5-1-95 to 5-31-95	Sexual Assault 3°	C
	97148366	4-17-97	Sexual Assault 4°	Misc.

- 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 MRRRC 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: _____
- 8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
Requested: 6-1-04 Received: 8-9-04
- 9. Deft's custody: check current custody log. 8-23-04.
 Out of custody Custody: _____
Last known address: search PRODCICS (ADLA & MSSN) & HPD's IIQ system.
 Address same as rap sheet. Add'l 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/Mittimus)
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.
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: 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 def.; (2) have def. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def.(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 Judgcs' 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 def. 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:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: Granted 10yrs
- 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: 11-5-04. 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.

PETER B. CARLISLE 2209
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FAX: 527-6546
Attorneys for Petitioner

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STATE OF HAWAII
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M.N. TANAKA
CLERK

PROSECUTING ATTORNEY
CAREER CRIMINAL

2004 NOV 10 P 12: 34

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
) (F.C. CR. No. 86-0020)

) 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:

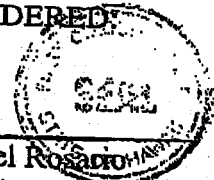
1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
2. The duration of public release of information shall be for a period of ten (10) years.

Dated at Honolulu, Hawaii: November 3, 2004.

APPROVED AND SO ORDERED

DEXTER D. DEL ROSARIO

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



NOV 9 2004

APPROVED AS TO FORM:

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

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Kathleen Nakagawa	N93903-1	6/1/84--6/30/85	Incest	C
Kathleen Nakagawa	N93903-2	6/1/83--5/1/84	Sodomy 2°	B
Kathleen Nakagawa	N93903-3	6/1/83--5/1/84	Sodomy 2°	B
Kathleen Nakagawa	N93903-4	6/85 & 7/85	Rape 2°	B
Sandra Nakagawa	P04505	6/1/84--9/30/85	Incest	C

- 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/Mittimus.
If file destroyed & case not in HAJIS, use "Case Not in HAJIS" 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
- 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. Deft's custody: check current custody log. _____
x 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.

B. PAU CASES:

- 11. Type Petition (Old Cases) and Return of Service - 1 per cr. no. Def't'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.

- 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 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: 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: 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:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: Granted 10yrs
- 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 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.

PROSECUTING ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

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STATE OF HAWAII
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M.N. TANAKA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

PROSECUTING ATTORNEY
CAREER CRIMINAL
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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 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 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).
7. On August 9, 2004, Deputy Prosecuting Attorney Rowena Somerville appeared before the Honorable Richard K. Perkins for a status conference on the record, but the Respondent failed to appear;
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;

11. On September 20, 2004, Respondent and his sister-in-law Joni Redick appeared before the Honorable Steven S. Alm for a Hearing on the Petition and Motion for Default Judgment;

12. Judge Alm extended the answer deadline until October 11, 2004, and continued the hearing until October 25, 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.

Dated at Honolulu, Hawaii: October 25, 2004.

APPROVED AND SO ORDERED:

STEVEN S. ALM

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

APPROVED AS TO FORM:

NOV 9 2004

Dominador V. Godoy
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	DPA: Rowena Somerville
CR. NO.: 60353	SP NO.: 04-1-0217
SCT. NO.:	
CONVICTION DATE: 9-13-85	CUSTODY STATUS: Not in custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Sherilyn M. Cabico	E96388, 96424, 96424-1	12/83, 12/83 & 4/21/84	Sexual Abuse 1° (2counts), Rape 2°	

- 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: _____ 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 caso 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. Deft's custody: check current custody log. _____
 Out of custody Custody: _____
Last known address: search PRODCJCS (ADLA & M55N) & HPD's IIQ system.
 Address same as rap sheet. Add'l 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/Mittimus)
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.
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: 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 def.; (2) have def. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def. (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: (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: 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 def. 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:

22. Hoku. Dispo. SOP (Petition hearing). Disposition: _____

23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
Copies: (S) PA, DA or PD, Dct., Judge, s/o
Sent out: _____ Filed: 11-9-04
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.

Heide

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

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STATE OF HAWAII
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J. KUBO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner,

v.

WILFRED H. TOLEFFSEN, III

Respondent.

) S.P. NO. 04-1-0207
) (CR. No. 03-1-2381)
)
) 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 19, 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 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.

Dated at Honolulu, Hawaii: October 19, 2004.

APPROVED AND SO ORDERED

Karl K. Sakamoto



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

APPROVED AS TO FORM:

Tyrus S. Buyama

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

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Skye Balbren-Dias	03404821	10/7/03	Sex Assault 1	A
	03432813	same	same	A
	93432814	same	Sex Assault 3	C
	03432815	same	Sex Assault 3	C
	03432816	same	Sex Assault 1	A
	03432817	same	same	A
Nikkita Edrado	03434679	same	Sex Assault 3	C
	03404669	same	Sex Assault 4	M
	03432818	same	Sex Assault 4	M
	03432819	same	Sex Assault 4	M
	03432820	same	Sex Assault 4	M

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
- 4. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
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).
- 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.

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) 6/25/04.
13. Hoku: SOP (Sex Offender Prtition) 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.

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).
- 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:

20. Hoku. Dispo. SOP (Petition hearing). Disposition: Life
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: 10/22/04. 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.
11/10/04
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.

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 547-7513
Attorneys for Petitioner

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STATE OF HAWAII
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CRIM JUST DATA CTR

R. HIGA
CLERK

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.

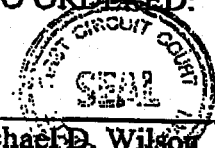
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

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.

Dated at Honolulu, Hawaii: August 25, 2004.

APPROVED AND SO ORDERED:

MICHAEL D. WILSON



The Honorable Michael D. Wilson
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

William H. Jameson, Jr.
 William H. Jameson, Jr.
 Deputy Public Defender
 Attorney for Respondent

PROSECUTING ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2004 OCT 21 PM 2:38

I. WONG
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,
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.

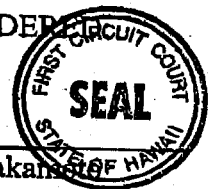
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

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.

Dated at Honolulu, Hawaii: October 12, 2004.

APPROVED AND SO ORDERED

Karl K. Sakamoto



The Honorable 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)**

DEFENDANT: SOPHORN VONG	DPA: Rowena Somerville
CR. NO.: 04-1-0959	SP NO.: 04-1-0293
SCT. NO.:	
CONVICTION DATE: 7-20-04	CUSTODY STATUS: Federal Detention Center

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Philina Kong	04191326	4-4-04	Sexual Assault 1°	A
	04155732	4-4-04	Sexual Assault 1°	A
	04191324	4-4-04	Sexual Assault 3°	C
	04191325	4-4-04	Sexual Assault 3°	C
	04191660	4-4-04	Sexual Assault 3°	C

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: _____
8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim
from HPD Records.
Requested: _____ Received: _____
9. Deft's custody: check current custody log. _____
 Out of custody Custody: Federal Detention Center

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.

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.
2. Copies: Petition: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o
Return of Service: make copies after Pctition filed.
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. 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: 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; 10:00; Judge Perkins
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.
Def't'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.
2. Copies: Petition: (6): PA, PD, Def't.(cert.), Judge Perkins, Legal Docs., s/o
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: _____. Type SP No. on Return of Service.
13. Xerox 1* 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. Servc Petition on Def't: use Sex Offender Investigator Request form to have Investigator (1) serve petition on def't.; (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't.(4) due date is 30 days from request.
Attach Def't.'s detail screen from Hoku.
Date given to ISD: _____ Served: _____
17. Copies of Return of Service: (5) PA, PD, Def't., 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 def't. 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 Pctition hearing date.
21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

22. Hoku. Dispo. SOP (Petition hearing). Disposition: Granted. Duration: 10 yrs.
23. Send our Order Permitting or Order Denying (prepared by Rowena) for filing.
Copies: (5) PA, DA or PD, Def., 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 FC Nos.

PETER B. CARLISLE 2209
 Prosecuting Attorney
 ROWENA A. SOMERVILLE 6645
 Deputy Prosecuting Attorney
 City and County of Honolulu
 Alii Place
 1060 Richard Street, 10th Floor
 Honolulu, Hawaii 96813
 Ph: 547-7400
 FAX: 547-7513
 Attorneys for Petitioner

1ST CIRCUIT COURT
 STATE OF HAWAII
 FILED

2004 AUG -3 AM 9:57

M. LIVICA
 CLERK

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.

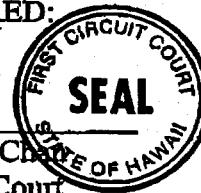
Dated at Honolulu, Hawaii: July 26, 2004.

APPROVED AND SO ORDERED:

AUG - 2 2004

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: MATIAS URANGCA, JR. DPA: Rowena A. Somerville

CR. NO. 02-1-2524 SP NO. 04-1-0176

<u>SC No.</u>	<u>Conviction Date</u>	<u>Custody Status</u>		
	<u>11-12-03</u>	<u>Halawa Correctional Facility</u>		
<u>Victim</u>	<u>Rpt. No.</u>	<u>D/O</u>	<u>Charge</u>	<u>Class</u>
<u>Maile Busano-Leleo</u>	<u>01486468</u>	<u>12-20-01</u>	<u>Sex. Assault 2°</u>	<u>B</u>
	<u>01489061</u>			

- 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 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): _____
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
- 4. Request NCIC printout from ISD. Route to DPA to highlight applicable convictions, if any.
Requested: 5-14-04 Received: 5-14-04
- 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: 5-14-04
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: 3-3-04
- 8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
Requested: _____ Received: 2-13-02
Xerox 1 copy (to be redacted). Leave in file.

9. Deft's custody: check current custody log.
 Out of custody Custody: Halawa Correctional Facility
 Last known address: search PRODCICS (ADLA & MSSN) & HPD's IIQ system.
 Address same as rap sheet. Add'l address: _____
10. 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: Sent./Post-Sent.: (7): PA, DA, Deft., Sent. Judge, Judge Perkins, Legal Docs., s/o
 Petition: pau case: (6): PA, DA, Deft., Judge Perkins, Legal Docs., s/o
 Return of Service: make copies after Petition filed.
 Stamp "Received by" stamp on PA copy.
- Cont. with A. or B.

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 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: _____ Served: _____
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: _____
 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.
- 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: 5-20-04 . 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).
- [] 13. Hoku: White card case or Out-of-State case: ADD case in Hoku.
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 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
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:

21. After hearing: Dispo. Hoku. Disposition: granted - life
22. Type Order Permitting or Order Denying.
Hoku: SOOG or SOOD. Notes: SP No.
- [] 23. Internet posting date: 8/16/04 JW
24. Send copy of order and this form to: Norma Ueno for completion & transmittal 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.

PROSECUTING ATTORNEY

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
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Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

RECEIVED
2004 OCT 26 PM 2:03
2004 OCT 18 AM 9:50
HI CRIM JUST DATA CTR

J. KUBO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,
Petitioner.

v.

ANACITO A. DALUMPINIS,
Respondent.

) S.P. NO. 04-1-0230
) (CR. No. 04-1-0714)

) 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
)
)
)

**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 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. §846E-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. §846E-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.

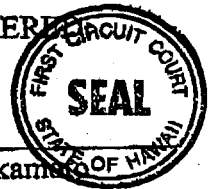
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 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.

Dated at Honolulu, Hawaii: October 8, 2004.

APPROVED AND SO ORDERED

Karl K. Sakamoto



The Honorable 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

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Sandra Dalumpinis	04-075537	2-21-04	Sex Assault 3°	C
	04-140230	2-21-04	Sex Assault 3°	C

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: _____
Appcal? 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: _____
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: 6-25-04 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: _____
8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim 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.

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 scx 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: (7): PA, private DA or PD, Deft. (cert.), Hrg. Judge, Judge Perkins, Legal Docs., s/o
Return of Service: make copies after Petition filed.
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. 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.
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
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. (served at open court 8-31-04)

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, Def., 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.

rec'd on NOV 1 2004

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2004 OCT 29 PM 2:44

R. HIGA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

WARREN L. HANEY, JR.,

Respondent.

) S.P. NO. 04-1-0277
) (FC-CR. No. 04-1-0014)

) 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
)
)
)
)

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 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.

Dated at Honolulu, Hawaii: October 27, 2004.

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

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Dayna Haney	03220317	8/1/97-6/1/98	SA3°	C
	03220318	" "	SA3°	C
	03317087	" "	SA3°	C
	03225957	6/4/03	SA3°	C

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: _____
- 4. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
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.
- 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.

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: 8/23/04. 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
17. Dispo. Hoku: Sentence Date: 10/27/04
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.
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: 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, 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:

20. Hoku. Dispo. SOP (Petition hearing). Disposition: 1027/04
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: 1027/04. Filed: 10/29/04.
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.
10/30/04
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 FC Nos.

H3730

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 547-7513
Attorneys for Petitioner

CIRCUIT COURT
STATE OF HAWAII
FILED

2004 AUG -4 PM 2: 42

B. TERAOKA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

JEFF QUEL,

Respondent.

) S.P. NO. 04-1-0213
) (Criminal No. 02-1-0546)

) 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: July 29, 2004
) Time: 8:45 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 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;

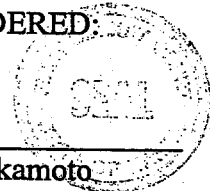
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

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.

Dated at Honolulu, Hawaii: July 29, 2004.


APPROVED AND SO ORDERED:

Karl K. Sakamoto



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

APPROVED AS TO FORM:



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

<u>Cr. No.</u>	<u>SC No.</u>	<u>Conviction Date</u>	<u>Custody Status</u>
<u>02-1-0546</u>		<u>4-8-04</u>	<u>Halawa Correctional Facility, Module 1A</u>

<u>Victim</u>	<u>Rpt. No.</u>	<u>D/O</u>	<u>Charge</u>	<u>Class</u>
<u>Megan Moananu</u>	<u>01146291</u>	<u>3/1--3/31/01</u>	<u>Sex. Asslt. 1°</u>	<u>A</u>

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.
 Requested: _____ 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 Custody: Halawa Correctional Facility, Module 1A

4. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
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.

- [] 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 arty., 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.
SORP (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):

- [X]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, Deft., Judge, s/o.

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

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

- [X]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).

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

INITIAL APPEARANCE AFTER SENTENCE:

- [X]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.

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

Cont. with 16.

AFTER PETITION HEARING:

- [X]16. Dispo. Petition hearing: Hoku.
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:
[X]18. Send copy of Order and this form: Norma Ueno for completion & transmittal to Kurt Spohn.

- []19. Internet posting date: 8/16/04

- [X]20. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
Hoku: FILE Location.

Atty General
Hawaii Criminal Justice & Data

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 547-7513
Attorneys for Petitioner

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2004 AUG -6 PM 2:29

I. WONG
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	)	S.P. NO. 04-1-0222
	)	(Criminal No. 03-1-1434)
Petitioner.)	
	)	ORDER PERMITTING PUBLIC
v.	)	RELEASE OF SEX OFFENDER'S
	)	RELEVANT INFORMATION THAT IS
DOUGLAS MOORE,	)	NECESSARY TO PROTECT THE
)	PUBLIC PURSUANT TO H.R.S. §846E-3
Respondent.)	
)	Hearing: August 2, 2004
)	Time: 8:30 a.m.
)	Judge: Michael A. Town
)	
)	
)	
)	
)	
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)	

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;
8. On July 27, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;

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.

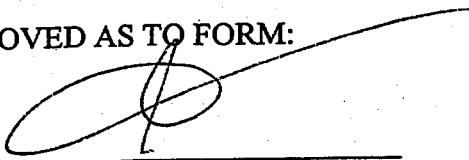
Dated at Honolulu, Hawaii: August 3, 2004.

APPROVED AND SO ORDERED:

MICHAEL A. TOWN

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

APPROVED AS TO FORM:


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
4/13/04 \$20,000. OCCC

<u>Victim</u>	<u>Rpt. No.</u>	<u>D/O</u>	<u>Charge</u>	<u>Class</u>
<u>Kelii Verhulsdonk</u>	<u>03247760</u>	<u>7/31/02-5/17/03</u>	<u>SA3°</u>	<u>C</u>
	<u>03247762</u>	<u>6/24/03</u>	<u>Indecent Exposure</u>	<u>PM</u>
	<u>03247366</u>	<u>4/1/03-5/17/03</u>	<u>SA1°</u>	<u>A</u>
	<u>03247756</u>	<u>" "</u>	<u>"</u>	<u>A</u>
	<u>03247761</u>	<u>6/24/03</u>	<u>SA3°</u>	<u>C</u>

- 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 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): _____
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
- 4. Request NCIC printout from ISD. 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/Mittimus.
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, ACS.
Requested: _____ Received: _____
- 8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
Requested: _____ Received: _____
Xerox 1 copy (to be redacted). Leave in file.

9. Def't's custody: check current custody log.
 Out of custody Custody: 1226-6th Ave. Hon. 968/2
 Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.
 Address same as rap sheet. Add'l address: _____

10. Type Petition (Old Cases) and Return of Service - 1 per cr. no.
 Def't'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. 6/28/04
 Copies: Petition: Sent./Post-Sent.: (7): PA, DA, Def't., Sent. Judge, Judge Perkins, Legal Docs., s/o
 Petition: pau case: (6): PA, DA, Def't., Judge Perkins, Legal Docs., s/o
 Return of Service: make copies after Petition filed.
 Stamp "Received by" stamp on PA copy.

Cont. with A. or B.

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). 6/30/04

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 Def't: use Sex Offender ISD Request form to have Investigator (1) serve petition on def't. by due date (30 days before hearing date); (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't.

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

16. Copies of Return of Service: (6) PA, DA, Def't., 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. (faxed w/ Ret. of Se unfiled)

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

Cont. with 19. (1st Hrg 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).
- []13. Hoku: White card case or Out-of-State case: ADD case in Hoku.
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 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: _____ 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:

- [✓]21. After hearing: Dispo. Hoku. Disposition: Granted - For Life
- [✓]22. Type Order Permitting or Order Denying. FAX TO: 5823024
Filed Order received and ~~filed~~ to Kurt Spohn. sent to: Norma UENO @ Crim. Justice 8/12/04
Hoku: SOOG or SOOD. Notes: SP No.
- []23. Internet posting date: 8/16/04 JW
- []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.

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).
6. On August 12, 2004, Deputy Prosecuting Attorney Rowena Somerville and Respondent appeared before the Honorable Richard K. Perkins for a status conference on the record;
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;
9. On August 30, 2004, Petitioner filed a notice of entry of default, and the clerk entered default against Respondent;

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:

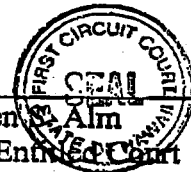
1. Relevant information concerning the sex offender pursuant to H.R.S. 846E shall be publicly released in order to protect the public; and
2. The duration of public release of information shall be for the LIFE of the sex offender.

Dated at Honolulu, Hawaii: September 14, 2004.

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)**

DEFENDANT: EMMANUEL B. SILVA	DPA: Rowena Somerville
CR. NO.: 87-0175	SP NO.: 04-1-0220
SCT. NO.:	
CONVICTION DATE: September 15, 1987	CUSTODY STATUS: Out of custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Debra Kimiko Shup	V-65241	2/6/87	Sexual Assault 1	A
	V-65241-3		Sexual Assault 1	A
	V-65241-4		Sexual Assault 4	M
	V-65241-5		Sexual Assault 4	M
	V-65241-1		Kidnapping	A

- 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: 20-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. NOTH: 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. 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.

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

11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Def't'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. 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: SOLA (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.
 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.
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: 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 def.; (2) have def. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def.(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: 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:

22. Hoku. Dispo. SOP (Petition hearing). Disposition: granted
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: 9/15/04. 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.

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);
6. On August 19, 2004, Deputy Prosecuting Attorney Rowena Somerville and Attorney Jeffrey Hawk appeared before the Honorable Richard K. Perkins for a status conference;
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.

Dated at Honolulu, Hawaii: September 21, 2004.

APPROVED AND SO ORDERED:

RHONDA A. NISHIMURA

SEAL

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

SEP 23 2004

APPROVED AS TO FORM:

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

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Bernadette Canne	W-57306	5/13/87	Sexual Assault 1	A
	W-57306-1		Sexual Assault 1	A
	W-57306-2		Kidnapping	A

- 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: 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:
- 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: 5/5/04
- 9. Deft's custody: check current custody log. 5/13/04.
 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.

B. PAU CASES:

11. Type Petition (Old Cases) and Return of Service -- 1 per cr. no.
 Def't'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.
 2. Copies: Petition: (6): PA, PD, Def't (cert.), Judge Perkins, Legal Docs., s/o
 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: 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 Def't: use Sex Offender ISD Request form to have Investigator (1) serve petition on def't.; (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't. (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, Def't., 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: 8/19/04
 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 Arnett via Circuit Court jacket. If def't. 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:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: granted
- 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
Copies: (6) PA, DA or PD, Deft., Judge, HC/JDC, 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, HC/JDC, 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.

rec'd on SEP 28 2004

HCCDC

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
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Attorneys for Petitioner

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2004 SEP 27 PM 2:51

R. HIGA
CLERK

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.

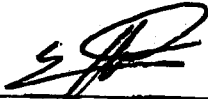
Dated at Honolulu, Hawaii: September ²⁷ 27, 2004.

APPROVED AND SO ORDERED:

MARCIA J. WALDORF **SEAL**

The Honorable Marcia J. Waldorf
Judge of the Above-Entitled Court

APPROVED AS TO FORM:



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.	DPA: Rowena Somerville
CR. NO.: 94-1775	SP NO.: 04-1-0279
SCT. NO.:	
CONVICTION DATE: 9-14-94	CUSTODY STATUS: Not in custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Santra Lahui	92311471	12/25/91--	Sex. Asslt. 2°	B
	93076899	7/13/92	"	B
	93076900	"	Sex. Asslt. 1°	A
	93076901	"	Sex. Asslt. 3°	C
	93076902	"	"	C
	93076903	"	"	C
	93231883	9/1/91--	Sex. Asslt. 2°	B
	93341971	2/18/93	"	B
	93341972	2/19--2/23/93	"	B

- 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: 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:

8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
Requested: 5-18-04 Received: 5-18-04
9. Deft's custody: check current custody log. _____
 Out of custody Custody: _____
Last known address: search PRODCICS (ADLA & MSSN) & 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. 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)
 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.
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. Def't'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.
 2. Copies: Petition: (6): PA, PD, Def't.(cert.), Judge Perkins, Legal Docs., s/o
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 1* page of filed Petition for Kurt Spohn, AG's Office: send via Circuit Court jacket (to be sent weekly).
7-21-04
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 Def't: use Sex Offender ISD Request form to have Investigator (1) serve petition on def't.; (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't.(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, Def't., 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: 8-26-04
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 def't. 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:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: granted for life
- 23. Send out Order Permitting or Order Denying (prepared by Rowena) for filing.
Copies: (6) PA, DA or PD, Deft., Judge, HC/JDC, s/o
Sent out: 9-17-04 Filed: 9-27-04
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.
9-28-04
- 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.

SEP 28 2004

#CJDC

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2004 SEP 27 PM 2:59

R. HIGA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,
Petitioner.

v.

PHILLIP KUALA,
Respondent.

) S.P. NO. 04-1-0256
) (FC. CR. No. 90-0029)

) 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: 8:30 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 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.

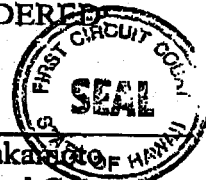
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §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.

Dated at Honolulu, Hawaii: September 17, 2004.

APPROVED AND SO ORDERED

Karl K. Sakamoto



The Honorable 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	DPA: Rowena Somerville
CR. NO.: F90-0029	SP NO.: 04-1-0256
SCT. NO.:	
CONVICTION DATE: 7-15-91	CUSTODY STATUS: Not in custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Amy M. Welsh	90004855	2-1-88	Sex. Asslt. 1 ^o	A

- 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: 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: 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: 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:
- 8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
Requested: 5-18-04 Received: 5-18-04
- 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.

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

11. Type Petition (Old Cases) and Return of Service – 1 per cr. no.
Def't'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)
 To Rowena to sign.
 Copies: Petition: (7): PA, private DA or PD, Def't. (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 Def't: use Sex Offender ISD Request form to have Investigator (1) serve petition on def't. by due date (30 days before hearing date); (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't.
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: _____
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 def't. 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 cr. no.
 Def't'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.
 2. Copies: Petition: (6): PA, PD, Def't.(cert.), Judge Perkins, Legal Docs., s/o
 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: 7-7-04. 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. 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 def't.; (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't.(4) due date is 30 days from request.
 Date given to ISD: 7-8-04 Served: 8-13-04
17. Copies of Return of Service: (5) PA, PD, Def't., 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: 8-19-04
 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 Arnett via Circuit Court jacket. If def't. 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:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: granted for 10 yrs.
- 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: 9-17-04. Filed: 9-27-04.
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.
9-28-04
- 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.

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
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City and County of Honolulu
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Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2004 OCT -1 PM 2:59

M.N. TANAKA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

DEREK KALAUKELA SISON,

Respondent.

) 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.

Dated at Honolulu, Hawaii: September 22, 2004.

APPROVED AND SO ORDERED **OCT 01 2004**
 DERRICK H.M. CHAN 

 The Honorable Derrick Chan
 Judge of the Above-Entitled Court

APPROVED AS TO FORM:

 Derek Kalaukela 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)**

A 212538

DEFENDANT: DEREK KALAUKELA 5156N	DPA: Rowena Somerville
CR. NO.: 88-2044	SP NO.: 04-1-0287
SCT. NO.:	
CONVICTION DATE: 4/4/89	CUSTODY STATUS: Out of custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Malia Kapuaonalani Evans	G-54935	11/6/88	Sexual Assault 2	B

- 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? 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 HAJIS, use "Case Not in HAJIS" 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. No. Request from Cheryl Inouye, APD.
Requested: 4/20/04 Received: 6/23/04
- 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: 4/23/04
- 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.

B. PAU CASES:

11. Type Petition (Old Cases) and Return of Service - 1 per cr. no.
Def't'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.
2. Copies: Petition: (6): PA, PD, Def't.(cert.), Judge Perkins, Legal Docs., s/o
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: 7/23/04. 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 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 def't.; (2) have def't. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def't.(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, Def't., 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: 9/2/04
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 def't. 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:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: granted
- 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: 10/1/04. 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.

Prosecuting Attorney
YEEB CRIMINAL

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
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Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
2004 SEP 29 AM 9:52

M. LIVICA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

RODERICK JOHNSON,

Respondent.

) S.P. NO. 04-1-0167
) (CR. No. 03-1-0664)
)
)

) 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 21, 2004
) Time: 11:15 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 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;
6. On July 21, 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 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;
10. 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.

Dated at Honolulu, Hawaii: September 21, 2004.

APPROVED AND SO ORDERED

Karl K. Sakamoto



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

APPROVED AS TO FORM:

Tyrus S. Buyama

Tyrus S. Buyama
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: Rodrick JOHNSON	DPA: Rowena Somerville
CR. NO.: 03-1-0664	SP NO.: 04-1-0167
SCT. NO.:	
CONVICTION DATE: 5-4-04	CUSTODY STATUS: OCCC

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Charlene Rowe	03059313	1-1-03 to 1-28-03	Sex Assault 2°	B

- 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: 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/Mittimus.
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: _____
- 8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim from HPD Records.
Requested: _____ Received: _____
- 9. Deft's custody: check current custody log. Called OCCC 5/11/04--Deft in Custody.
 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.

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. 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: SOLA (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.
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.
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. 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: 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
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. SOLA
SOP transaction: enter Petition hearing date.
- 21. Return file(s) to Rowena for hearing.

AFTER PETITION HEARING:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: Granted--For Life
- 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: 9-23-04. Filed: 9-29-04.
Hoku: SOOG or SOOD. Notes: SP No.
- 24. Fax copy of Order and this form to Norma Ucno, 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.

HCJD

res'd on
OCT 8 2004

CIRCUIT COURT
STATE OF HAWAII
FILED

2004 OCT -5 PM 2:28

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
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Ph: 547-7400
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Attorneys for Petitioner

B. TERAOKA
CLERK

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

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.


Clerk, Circuit Court, First Circuit

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.

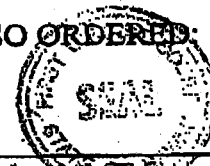
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Relevant information concerning the sex offender pursuant to H.R.S. §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 sex offender.

Dated at Honolulu, Hawaii: September 16, 2004.

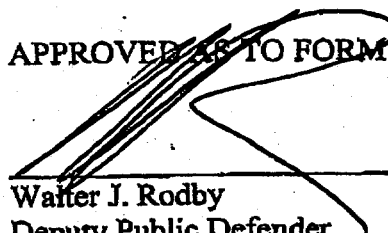
APPROVED AND SO ORDERED:

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)**

DEFENDANT: ARTURO PEREZ-ZAMBRANO	DPA: Rowena Somerville
CR. NO.: 03-1-0865	SP NO.: 04-1-0257
SCT. NO.:	
CONVICTION DATE: 5-10-04	CUSTODY STATUS: Not in custody

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Brittany Tomaszewski	02273327	1/19/01-- 7/16/02	Sex. Asslt. 3°	C
	02296040	6/13/01-- 7/4/02	Sex. Asslt. 3°	C

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: 6-29-04 Received: 7-1-04
- 4. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
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.
- 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.
- 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: (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.

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: 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: 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:

- 20. Hoku. Dispo. SOP (Petition hearing). Disposition: granted for life
- 21. 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: 9-17-04. 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.
10-6-04
- 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.

80728

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2004 AUG 18 PM 3:14

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 547-7513
Attorneys for Petitioner

H. CHING
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

STATE OF HAWAII,	)	S.P. NO. 04-1-0178
	)	(Criminal No. 00-1-2311)
Petitioner.)	
	)	ORDER PERMITTING PUBLIC
v.	)	RELEASE OF SEX OFFENDER'S
	)	RELEVANT INFORMATION THAT IS
MICHAEL SHAW,	)	NECESSARY TO PROTECT THE
	)	PUBLIC PURSUANT TO H.R.S. §846E-3
Respondent.)	
	)	Hearing: August 12, 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 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;

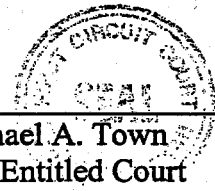
11. The Court found that Respondent does represent a threat to the community and that public release of relevant information regarding the sex offender is necessary to protect the public and therefore enters the following orders.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

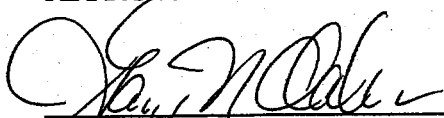
1. Relevant information concerning the sex offender pursuant to H.R.S. §846E-3 shall be publicly released in order to protect the public; and
2. The duration of public release of information shall be for the **life** of the sex offender.

Dated at Honolulu, Hawaii: August 12, 2004.

APPROVED AND SO ORDERED:


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

APPROVED AS TO FORM:



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

<u>SC No.</u>	<u>Conviction Date</u>	<u>Custody Status</u>
	<u>4-26-02</u>	<u>OCCC</u>

<u>Victim</u>	<u>Rpt. No.</u>	<u>D/O</u>	<u>Charge</u>	<u>Class</u>
<u>Roslyn H. Dayton</u>	<u>00422301</u>	<u>11-13-00</u>	<u>Sex. Asslt. 3°</u>	<u>C</u>
	<u>00423107</u>	<u>"</u>	<u>"</u>	<u>"</u>

- 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 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): _____
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 _____
- 4. 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: _____
- 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: 5-13-04 & 7-29-02 Received: _____
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: _____
- 8. 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.

9. Deft's custody: check current custody log.
 Out of custody Custody: OCCC - Module 2
 Last known address: search PRODCICS (ADLA & M55N) & HPD's IIQ system.
 Address same as rap sheet. Add'l address: _____
10. 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: Sent./Post-Sent.: (7): PA, DA, Deft., Sent. Judge, Judge Perkins, Legal Docs., s/o
 Petition: pau case: (6): PA, DA, Deft., Judge Perkins, Legal Docs., s/o
 Return of Service: make copies after Petition filed.
 Stamp "Received by" stamp on PA copy.

Cont. with A. or B.

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: 5-25-04 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).
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: 5-26-04 Served: 6-1-04
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.
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.

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).
- []13. Hoku: White card case or Out-of-State case: ADD case in Hoku.
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 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: _____ Served: _____
- []16. Copies of Return of Service: (5) PA, DA, Deft., Judge Perkins, s/o. File Return of Service. Make surc 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:

- [X]19. Hoku: Dispo. SOIA
SOP transaction: enter Petition hearing date.
- [X]20. Return file to Rowena for hearing.

AFTER PETITION HEARING:

- [X]21. After hearing: Dispo. Hoku. Disposition: granted
- [X]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: NA 8/20/04
- []24. Send copy of order and this form to Kurt Spohn, via Circuit Court jacket (to be sent weekly):
NA
- []25. Attach SP file to criminal file and return to criminal file's original location (record retention stays the same).
Hoku: FILE Location.

Post-it* Fax Note	7671	Date	8/16/04	# of pages	4
To	Allison	From	Arndt		
Co./Dept.	HCTDC	Co.	Kauai Prob		
Phone #		Phone #	241-1738		
Fax #	687-3024	Fax #	241-1752		

MICHAEL
PROSECUTING
CRAIG A
FIRST DEPUTY PROSECUTING ATTORNEY
COUNTY OF KAUAI, STATE OF HAWAII
3990 KAANA STREET, SUITE 210
LIHUE, HAWAII 96766
TELEPHONE: (808) 241-1888

DALE N. ...
Clerk

ATTORNEYS FOR THE STATE OF HAWAII

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

MICHAEL K. SOONG,

Petitioner,

v.

SAMUEL HEPA,

Respondent.

) S.P. NO. 04-1-0015
)
) 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)
)
) HEARING DATE: JULY 20, 2004
)
) JUDGE: GEORGE M. MASUOKA

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

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COURT CLERK'S OFFICE

I do hereby certify that this is a full, true and
correct copy of the original on file in this
office.

[Signature]
Clerk, Circuit 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.

DATED: Lihue, Kauai, Hawaii, AUG 13 2004



GEORGE M. MASUOKA

GEORGE M. MASUOKA
Judge Of The Above-Entitled Court

APPROVED AS TO FORM:

/S/JOHN C. CALMA

JOHN C. CALMA
Attorney for Respondent

HCI PC

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 528-6546
Attorneys for Petitioner

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STATE OF HAWAII
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2004 OCT 14 PM 2:30

HI CRIM JUST DATA CTR

B. TERAOKA
CFR

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

HI CRIM JUST DATA

2004 OCT 14 PM 3

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**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,

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.

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.

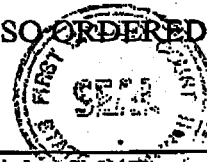
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

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.

Dated at Honolulu, Hawaii: September 28, 2004.

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)**

DEFENDANT: Makuisa M. Amotai	DPA: Rowena Somerville
CR. NO.: 04-1-0689	SP NO.: 04-1-0281
SCT. NO.:	
CONVICTION DATE: 7/15/04	CUSTODY STATUS: OCCC

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Gioannaleah D. Smith- Okesene	04138084	4/5/04	Sex Assault 3	C

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
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.

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: 7/15/04. 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 def. 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, Def., 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 def's copy.
DPA will distribute copies to Judge, defense atty., and have def. 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, Def., 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).
- 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, AQ'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:

20. Hoku. Dispo. SOP (Petition hearing). Disposition: 9/28/04 - For Life
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.

HC 111

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
Deputy Prosecuting Attorney
City and County of Honolulu.
Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

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1ST CIRCUIT COURT
STATE OF HAWAII
FILED

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2004 OCT 13 PM 2: 39

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R. HIGA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

Petitioner.

v.

ROBERT DEREGO, 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 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 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;
9. On September 15, 2004, Respondent filed a Answer to State's Petition for Public Release of Information;

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).

Dated at Honolulu, Hawaii: October 7, 2004.

APPROVED AND SO ORDERED:

[Signature]

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

over objection
~~APPROVED AS TO FORM:~~

[Signature]

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

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Joni Andrin	02048707	11/01	Sexual Assault 3	

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: 7/29/04 Received: 8/2/04
- 4. Out-of-state sex conviction: send letter to appropriate agency requesting documents.
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.
- 7. 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: _____
- 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 def. 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, Def., 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 def's copy.
DPA will distribute copies to Judge, defense atty., and have def. 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, Def., 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).
- 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: 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 to take to Sentence hearing.

INITIAL APPEARANCE (IMMEDIATELY AFTER SENTENCE):

15. DPA will distribute copies to Judge, defense atty., and have def. 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:

20. Hoku. Dispo. SOP (Petition hearing). Disposition: _____
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: _____ 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.

HCJDC

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1ST CIRCUIT COURT
STATE OF HAWAII
FILED

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M. LIMICA
CLERK

PETER B. CARLISLE 2209
Prosecuting Attorney
ROWENA A. SOMERVILLE 6645
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Alii Place
1060 Richard Street, 10th Floor
Honolulu, Hawaii 96813
Ph: 547-7400
FAX: 527-6546
Attorneys for Petitioner

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)

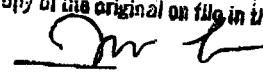
) ORDER PERMITTING PUBLIC
) RELEASE OF SEX OFFENDER'S
) RELEVANT INFORMATION THAT IS
) NECESSARY TO PROTECT THE
) PUBLIC PURSUANT TO H.R.S. §846E-3

) 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

Certify that this is a full, true, and
correct copy of the original on file in this office.



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.

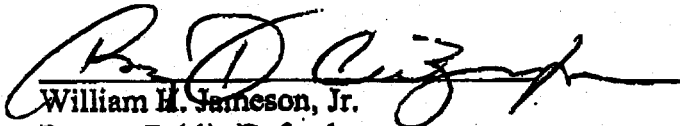
Dated at Honolulu, Hawaii: September 3, 2004.

APPROVED AND SO ORDERED OCT - 7 2004

DERRICK H.M. GUNN

For The Honorable David W. Lo
Judge of the Above-Entitled Court

APPROVED AS TO FORM:


 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.:	
CONVICTION DATE: 7/1/04	CUSTODY STATUS: OCCC

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.

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) 7/2/04.
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.

- 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:

20. Hoku. Dispo. SOP (Petition hearing). Disposition: Granted, Duration 25 yrs.
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: 9/16/04. Filed: 10/7/04.
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.
10/13/04
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.

PETER B. CARLISLE 2209
 Prosecuting Attorney
 ROWENA A. SOMERVILLE 6645
 Deputy Prosecuting Attorney
 City and County of Honolulu
 Alii Place
 1060 Richard Street, 10th Floor
 Honolulu, Hawaii 96813
 Ph: 547-7400
 FAX: 527-6546
 Attorneys for Petitioner

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CAREER CRIMINAL
 Prosecuting Attorney
 CHARLENE K. KEDON
 1ST CIRCUIT COURT
 STATE OF HAWAII
 FILED

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M. LIVICA
 CLERK

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. §846E-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.


Dated at Honolulu, Hawaii: September 29, 2004.

APPROVED AND SO ORDERED:

MICHAEL D. 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 OFENDER 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.:	
CONVICTION DATE: 08-18-04	CUSTODY STATUS: OCCC

VICTIM	RPT. NO.	D/O	CHARGE	CLASS
Shanel Mendigorin	See attached List			

- 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: 6-25-04 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/Mittimus.
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: _____
- 8. HPD Report: In file. No. Request CID closing report, victim's statement, and transcribed statement of victim 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 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. 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)
 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 (crt. Judgment/Mittimus)
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.
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: _____. 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 def.; (2) have def. sign on PA copy; and (3) fill out Return of Service, including date of initial appearance given to def.(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 def. 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:

- 22. Hoku. Dispo. SOP (Petition hearing). Disposition: 9-29-04 Granted for Life
- 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: 10-5-04. Filed: 10/15/04.
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.
10/20/04
- 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.

REPORT NO.		DATE OF OFFENSE	CHARGE	CLASS
03318759	2	10-1-99 to 3-18-00	SA1°	A
03318760	3		SA3°	C
03318761	4		"	C
03318762	5		"	C
03318763	6		"	C
03318764	7		"	C
03318765	8		"	C
03318767	10		SA1°	A
03318768	11		SA3°	C
03318769	12		"	C
03318770	13		"	C
03318771	14		"	C
03318772	15		"	C
03318773	16		"	C
03318774	17		SA1°	A
03318775	18		"	A
03318776	19		"	A
03318782	20		"	A
03318783	21		"	A
03318784	22		SA3°	C
03318785	23		SA1°	A

Appendix B

Honolulu County

Maui County

A	D	E	F	G	H	I	J	K	L	M	N	O	P	
Category of Convicted Offenses														
Disposition														
Month/Yr Civil Petition Filed														
Sentence Date														
Granted														
Denied														
Pending														
Other														
1	(*) Victim must be less than 15 yrs & perpetrator 15 yrs or older.													
2	(*) The offense had to have been "sexually violent" as defined under §9A-1.													
3	Violent A Felony Rape 1 Under 16" Rape 1 (old) Rape 1 Force Rape 1 for-alt Sex Assault 1 (87) Sodomy 1 (old) Sodomy 1 No Force<14"	Violent B Felony Child Abuse 1" Rape+ Rape 2 Under 16" Rape 2 (old) Rape 2 Force Rape 2 for-alt Sex Assault 2 (87)+ Sodomy+ Sodomy 2 (old) Sodomy 2-Force Sodomy 2 No Force<14"	Violent C Felony Incest Indecent Assault (R.L.H. 1985) Rape 3+ Rape 3 (old) Sex Abuse 1 For+ Sex Abuse 1 NF+ Sex Abuse 2 HP+ Sex Assault 3 (87)+ Sex Offense+ Sodomy 3+*	Misdemeanor Assault/Abuse Sex Assault 4 (87) Sex Abuse 2" Sex Abuse 2<16" Sex Assault 4 (87)+	Pornography* Prom Child Abuse 1" Prom Child Abuse 2" Prom Child Abuse 3" Affirm to Prom Child Abuse Electro Enticement 1" Electro Enticement 2" Sex Exploit of Minor Prom Porn for Minor	Kidnapping* Kidnapping Unlawful Imprison*	Prostitution* Promoting Prosti 1" Promoting Prosti 2"							
4	1 Bishitashon, R.	2						10/15/97	4-Jul				1	
5	2 Bularon, J.	3						9/30/94	4-Jul				1	
6	3 Ching, E.	2						8/22/90	4-May				1	
7	4 Fernandez, D.	1						1/5/99	4-Jul				1	
8	5 Hatcher, E.							8/1/03	4-May				1	
9	6 Kalia, J.							7/24/96	4-Jul				1	
10	7 Lavanay, J.	2						2/5/97	4-Jul				1	
11	8 Lono, G.							11/18/92	4-Jul				1	
12	9 Manegdeg, A.	2						1/1/794	4-Jul				1	
13	10 Masayuki, M.							6/14/01	4-May				1	
14	11 Nalundasan, Jr.	1						11/6/96	4-Jul				1	
15	12 Pacheco, H.	2						6/21/91	4-Jul				1	
16	13 Quiniones, S.	4						11/19/97	4-Jul				1	
17	14 Rosado, J.							6/26/97	4-Jul				1	
18	15 Teixeira, L.							5/7/98	4-Jul				1	
19	16 Traxler, R.							2/22/99	4-Jul				1	
20	17 Tuzon, L.	4						9/29/93	4-Jul				1	
21	18 Villon, J.							6/30/99	4-May				1	
22	19 Yadao, F.							4/28/98	4-Jul				1	
23	20 Total	5	18	40	1	0	0	0	0	0	0	0	19	
24	21													
25	22													
26	23													
27	24													
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44	41													

Identifying Information:
Last Name, First Initial

Hawaii County

NAME	CATEGORY OF CONVICTED OFFENSES				MISDEMEANOR ASSAULT/ABUSE	SENTENCE DATE	DATE PETITION FILED	DISPOSITION						
	VIOLENT A FELONY	VIOLENT B FELONY	VIOLENT C FELONY	3				G	D	P	Q			
												1	2	6	4	1
Fronza, Tranquilino	1					10/20/03	3/31/04				1			
Grusing, Adam			1			1/20/04	4/6/04							
Carler, Milton	1		2			9/24/03	4/21/04							
Apisaloma, Pierre	2					5/13/04	5/26/04							
Green, Wolfgang	2					4/30/93	7/27/04							
Quintos, Lawrence			6			2/26/01	7/27/04							
Hui, Campbell			4			1/15/02	7/27/04							
Vida, David			1			11/6/01	7/27/04							
Medeiros, Sidney				1		3/8/02	7/27/04							
Enovejas, Joselito	1					4/22/02	7/27/04							
Cabatbat, Roy	1		2			10/23/97	7/28/04							
Velasco, George			1			5/22/02	8/13/04							
Aiu, Charles	2					5/31/01	8/3/04							
Guthier, Shannon	1					2/28/94	8/4/04							
Silva, Mark			1			3/22/02	8/5/04							
Palma, Rogelio			3			5/19/98	8/13/04							
Pacheco, Steven						4/25/96	8/13/04							
Aki, Seon			1			3/12/03	8/13/04							
Lorenzo, William			1			9/26/01	8/13/04							
Song, Robert	1		1			7/15/99	8/13/04							
Joaquin, Kevin						1/23/03	8/13/04							
Estabillo, Jon						5/9/96	8/13/04							
Britton, Hans						12/4/96	8/13/04							
Taylor, David	1					2/11/97	8/17/04							
Cypriano, Walter			1			4/9/96	8/17/04							
Rivera, Manuel			1			10/2/96	10/2/96							
Swanson, Joseph			1			7/21/04	8/17/04							
Cardoza, John			1			4/9/96	8/17/04							
Williams, James						7/13/04	8/17/04							
Bidad, Leonard			1			10/15/97	8/19/04							
Robledo, Conrad			2			4/22/86	8/24/04							

Akau, Solomon				1		11/2/01	8/13/04		1
Akimseu, Everett				2		2/12/02	8/26/04		1
Fiti, Waily		1				9/24/01	8/26/04		1
Gilreath, Wesley	2					9/22/98	7/27/04		1
MacNeil, John		2				9/23/02	7/27/04		1
Total	15	33		15	0			1	0 35

Kauai County

A	D	E	F	G	H	I	J	K	L	M	N	P	
1	Violent A Felony	Violent B Felony	Violent C Felony	Misdemeanor	Fornography*	Kidnapping*	Prostitution*	Sentence Date	Month/Yr Civil Petition Filed	Granted	Denied	Pending	Other
2	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses	Category of Convicted Offenses
1	Violent A Felony Rape 1 Under 16* Rape 1 (old) Rape 1 Force Rape 1 for-att Sex Assault 1 (BT) Sodomy 1 (old) Sodomy 1-Force Sodomy 1 No Force<14*	Violent B Felony Child Abuse 1* Rape+ Rape 2 Under 16* Rape 2 (old) Rape 2 Force Rape 2 for-att Sex Assault 2 (BT)+ Sodomy+ Sodomy 2 (old) Sodomy 2-Force Sodomy 2 No Force<14*	Violent C Felony Incest* Indecent Assault (PLH 1985) Rape 3+ Rape 3 (old) Sex Abuse 1 For+ Sex Abuse 1 HF+ Sex Abuse 2 HF+ Sex Assault 3 (BT)+ Sex Offense+ Sodomy 3+*	Misdemeanor Assault/Abuse Sex Assault 4 (BT) Sex Abuse 2* Sex Abuse 2<16* Sex Assault 4 (BT)+	Fornography* Prom Child Abuse 1* Prom Child Abuse 2* Prom Child Abuse 3* Affirm to Prom Child Ab* Electro Enticement 1* Electro Enticement 2* Sex Exploit of Minor* Prom Porn for Minor*	Kidnapping* Kidnapping* Unlawful Imprison*	Prostitution* Promoting Prosti 1* Promoting Prosti 2*						
3													
4	1 Yotseuda, Russell		1						Jun-04	1			
5	2 Hepa, Samuel		1						Jun-04	1			
6	3 Woods, Paul		2						Jun-04				1
7	4 Total		4							2	0	1	0
8	5												
9	6												
10	7												
11	8												
12	9												
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44	41												

(*) Victim must be less than 18 yrs of age.
 (**) The offense had to have been "sexually violent" as defined under §246E-1.

Identifying Information:
 Last Name, First Initial