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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

STATE OF HAWAI'I

v.

MOANAOIO BJUR,

Defendant.

CASE NO.: 1CPC-25-0000178

COUNT 1:

COMPUTER FRAUD IN THE FIRST DEGREE
(HRS § 708-891(1))
(Report/Citation No. SIPD230035-001)

COUNT 2:

THEFT IN THE FIRST DEGREE
(HRS §§ 708-830.5(1)(a) and 708-830(1) and/or (2))
(Report/Citation No. SIPD230035-002)

COUNT 3:

COMPUTER FRAUD IN THE SECOND DEGREE
(HRS § 708-891.5(1))
(Report/Citation No. SIPD230035-003)

COUNT 4:

THEFT IN THE SECOND DEGREE
(HRS §§ 708-831(1)(b) and 708-830(1) and/or (2))
(Report/Citation No. SIPD230035-004)

INDICTMENT

INDICTMENT

The Grand Jury charges:

COUNT 1: From on or about February 3, 2021, through February 16, 2022, inclusive in the City and County of Honolulu, State of Hawai'i, MOANAOIO BJUR did knowingly access a

computer, computer system, or computer network with the intent to commit the offense of Theft in the First Degree from the Conservation Council for Hawai'i, thereby committing the offense of Computer Fraud in the First Degree, in violation of Section 708-891(1) of the Hawai'i Revised Statutes.

A person commits the offense of Theft in the First Degree if she does intentionally obtain or exert unauthorized control over the property of another, the value of which exceeds Twenty Thousand Dollars (\$20,000.00), with intent to deprive the other of the property and/or does intentionally obtain or exert control over the property of another, the value of which exceeds Twenty Thousand Dollars (\$20,000.00), by deception, with intent to deprive the other of the property and the person was aware or believed that the value of the property exceeded Twenty Thousand Dollars (\$20,000.00). Sections 708-830.5(1)(a) and 708-830(1), (2) of the Hawai'i Revised Statutes.

COUNT 2: From on or about February 3, 2021, through February 16, 2022, inclusive, in the City and County of Honolulu, State of Hawai'i, MOANAOIO BJUR did intentionally obtain or exert unauthorized control over the property of the Conservation Council for Hawai'i, to wit, money, the value of which exceeds Twenty Thousand Dollars (\$20,000.00), with intent to deprive the Conservation Council for Hawai'i of the property and/or did intentionally obtain or exert control over the property of the Conservation Council for Hawai'i, to wit, money, the value of which exceeds Twenty Thousand Dollars (\$20,000.00), by deception, with intent to deprive the Conservation Council for Hawai'i of the property and MOANAOIO BJUR was aware or believed that the value of the property exceeded Twenty Thousand Dollars (\$20,000.00), thereby committing the offense of Theft in the First Degree, in violation of Sections 708-830.5(1)(a) and 708-830(1) and/or (2) of the Hawai'i Revised Statutes.

Counts 1 and 2 relate to a single scheme and continuing course of conduct committed during the date range referenced above in which MOANAOIO BJUR issued herself approximately 24 unauthorized payroll payments via computer, computer system, or computer network, to wit, QuickBooks, resulting in a loss to the Conservation Council for Hawai'i that exceeded Twenty Thousand Dollars (\$20,000.00).

COUNT 3: From on or about May 3, 2022, through June 15, 2022, inclusive in the City and County of Honolulu, State of Hawai'i, MOANAOIO BJUR did knowingly access a computer, computer system, or computer network with the intent to commit the offense of Theft in the Second Degree from the Conservation Council for Hawai'i, thereby committing the offense of Computer Fraud in the Second Degree, in violation of Section 708-891.5(1) of the Hawai'i Revised Statutes.

A person commits the offense of Theft in the Second Degree if she does intentionally obtain or exert unauthorized control over the property of another, the value of which exceeds Seven Hundred Fifty Dollars (\$750.00), with intent to deprive the other of the property and/or does intentionally obtain or exert control over the property of another, the value of which exceeds Seven Hundred Fifty Dollars (\$750.00), by deception, with intent to deprive the other of the property and the person was aware or believed that the value of the property exceeded Seven Hundred Fifty Dollars (\$750.00). Sections 708-831(1)(b) and 708-830(1), (2) of the Hawai'i Revised Statutes.

COUNT 4: From on or about May 3, 2022, through June 15, 2022, inclusive, in the City and County of Honolulu, State of Hawai'i, MOANAOIO BJUR did intentionally obtain or exert unauthorized control over the property of the Conservation Council for Hawai'i, to wit, money, the value of which exceeds Seven Hundred Fifty Dollars (\$750.00), with intent to deprive the

Conservation Council for Hawai‘i of the property and/or did intentionally obtain or exert control over the property of the Conservation Council for Hawai‘i, to wit, money, the value of which exceeds Seven Hundred Fifty Dollars (\$750.00), by deception, with intent to deprive the Conservation Council for Hawai‘i of the property and MOANAOIO BJUR was aware or believed that the value of the property exceeded Seven Hundred Fifty Dollars (\$750.00), thereby committing the offense of Theft in the Second Degree, in violation of Sections 708-831(1)(b) and 708-830(1) and/or (2) of the Hawai‘i Revised Statutes.

Counts 3 and 4 relate to a single scheme and continuing course of conduct committed during the date range referenced above in which MOANAOIO BJUR made three unauthorized withdrawals from a PayPal account belonging to the Conservation Council for Hawai‘i via computer, computer system, or computer network resulting in a loss of approximately \$7,349.87 to the Conservation Council for Hawai‘i.

DEFINITIONS: The following definitions apply to this Indictment.

“Access” means to gain entry to, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.

“Another” means any other person.

“Computer” means any electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes all computer equipment connected or related to such a device in a computer system or computer network, but shall not include an automated typewriter or typesetter, a portable hand-held calculator, or other similar device.

“Computer equipment” means any equipment or devices, including all input, output, processing, storage, software, or communications facilities, intended to interface with the computer.

“Computer network” means two or more computers or computer systems, interconnected by communication lines, including microwave, electronic, or any other form of communication.

“Computer program” or “software” means a set of computer-readable instructions or statements and related data that, when executed by a computer system, causes the computer system or the computer network to which it is connected to perform computer services.

“Computer services” includes but is not limited to the use of a computer system, computer network, computer program, data prepared for computer use, and data contained within a computer system or computer network.

“Computer system” means a set of interconnected computer equipment intended to operate as a cohesive system.

“Control over the property” means the exercise of dominion over the property and includes, but is not limited to, taking, carrying away, or possessing the property, or selling, conveying, or transferring title to or an interest in the property.

“Data” means information, facts, concepts, software, or instructions prepared for use in a computer, computer system, or computer network.

“Deception” occurs when a person knowingly: (1) Creates or confirms another’s impression which is false and which the defendant does not believe to be true; (2) Fails to correct a false impression which the person previously has created or confirmed; (3) Prevents another from acquiring information pertinent to the disposition of the property involved; (4) Sells or otherwise transfers or encumbers property, failing to disclose a lien, adverse claim, or other legal

impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or (5) Promises performance which the person does not intend to perform or knows will not be performed, but a person's intention not to perform a promise shall not be inferred from the fact alone that the person did not subsequently perform the promise. The term "deception" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. "Puffing" means an exaggerated commendation of wares or services in communications addressed to the public or to a class or group.

"Deprive" means: (1) To withhold property or cause it to be withheld from a person permanently or for so extended a period or under such circumstance that a significant portion of its economic value, or of the use and benefit thereof, is lost to the person; (2) To dispose of the property so as to make it unlikely that the owner will recover it; (3) To retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; (4) To sell, give, pledge, or otherwise transfer any interest in the property; or (5) To subject the property to the claim of a person other than the owner.

"Obtain" means: (1) When used in relation to property, to bring about a transfer of possession or other interest, whether to the obtainer or to another; and (2) When used in relation to services, to secure the performance of services.

"Owner" means a person, other than the defendant, who has possession of or any other interest in, the property involved, even though that possession or interest is unlawful.

"Person" includes any natural person and, where relevant, a corporation or an unincorporated association.

“Property” means any money, personal property, real property, thing in action, evidence of debt or contract, or article of value of any kind; and includes financial instruments, data, computer software, computer programs, documents associated with computer systems, money, computer services, or anything else of value.

“Property of another” means property which any person, other than the defendant, has possession of or any other interest in, even though that possession or interest is unlawful.

“Services” includes but is not limited to labor, professional services, transportation, telephone or other public services, accommodation in hotels, restaurants or elsewhere, admission to exhibitions, and the supplying of equipment for use.

“Unauthorized control over property” means control over property of another which is not authorized by the owner.

“Value” means the market value of the property or services at the time and place of the offense, or the replacement cost if the market value of the property or services cannot be determined. When property or services have value but that value cannot be ascertained, the value shall be deemed to be an amount not exceeding One Hundred Dollars (\$100.00). Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether the property taken be of one person or several persons, may be aggregated in determining the class or grade of offense.

A person commits theft if the person does any of the following:

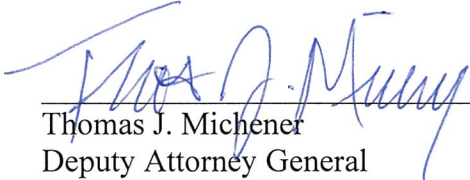
(1) Obtains or exerts unauthorized control over property. A person obtains or exerts unauthorized control over the property of another with intent to deprive the other of the property.

(2) Property obtained or control exerted through deception. A person obtains, or exerts control over, the property of another by deception with intent to deprive the other of the property.

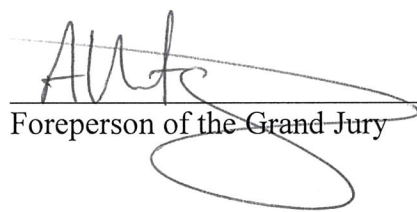
A person acts intentionally with respect to his conduct when it is his conscious object to engage in such conduct. A person acts intentionally with respect to attendant circumstances when he is aware of the existence of such circumstances or believes or hopes that they exist. A person acts intentionally with respect to a result of his conduct when it is his conscious object to cause such a result.

A person acts knowingly with respect to his conduct when he is aware that his conduct is of that nature. A person acts knowingly with respect to attendant circumstances when he is aware that such circumstances exist. A person acts knowingly with respect to a result of his conduct when he is aware that it is practically certain that his conduct will cause such a result.

A True Bill found this day: 2/14/2025



Thomas J. Michener
Deputy Attorney General
State of Hawai'i



Foreperson of the Grand Jury