

STATE OF HAWAII CIRCUIT COURT OF THE FIFTH CIRCUIT	JUDGMENT GUILTY CONVICTION AND SENTENCE <input type="checkbox"/> Young Adult Defendant NOTICE OF ENTRY	CASE NUMBER CR. NO. 00-01-0173
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STATE OF HAWAII VS (DEFENDANT) JOSEPH FERNANDEZ	POLICE REPORT NUMBER <div style="text-align: right;"> 2000 DEC - 1 AM 9:50 HILDRED AH-LEE CLERK 5TH CIRCUIT COURT STATE OF HAWAII FILED </div>
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DEFENDANT'S PLEA <input type="checkbox"/> GUILTY <input type="checkbox"/> NOT GUILTY <input checked="" type="checkbox"/> NO CONTEST	<input type="checkbox"/> JURY VERDICT <input checked="" type="checkbox"/> JUDGE FINDINGS
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ORIGINAL CHARGE(S) CTS. 1 THROUGH 36: SEXUAL ASSAULT, FIRST DEGREE CTS. 37 THROUGH 39: SEXUAL ASSAULT, THIRD DEGREE CT. 40: KIDNAPPING CT. 41: TERRORISTIC THREATENING, FIRST DEGREE	CHARGE TO WHICH DEFENDANT PLEADED CTS. 1, 31 AND 35: SEXUAL ASSAULT IN THE SECOND DEGREE CTS. 38 AND 39: SEXUAL ASSAULT IN THE THIRD DEGREE CT. 40: UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE
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DEFENDANT IS CONVICTED AND FOUND GUILTY OF

COUNTS 1, 31, AND 35: SEXUAL ASSAULT IN THE SECOND DEGREE [HRS 707-731]
 COUNTS 38 AND 39: SEXUAL ASSAULT IN THE THIRD DEGREE [HRS 707-732]
 COUNT 40: UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE [HRS 707-721]

AS TO COUNTS 1, 31, AND 35: SEXUAL ASSAULT IN THE SECOND DEGREE:

- The defendant shall be committed to the custody of the Director of the Department of Public Safety for imprisonment for a period of TEN (10) years with credit for time already spent.
- The court found that the defendant is unable to pay the Crime Victim Compensation Fee and waived said fee.
- The defendant shall provide two (2) samples of blood for DNA analysis within 30 days to be arranged by the Department of Public Safety.

AS TO COUNTS 38 AND 39: SEXUAL ASSAULT IN THE THIRD DEGREE:

- The defendant shall be committed to the custody of the Director of the Department of Public Safety for imprisonment for a period of FIVE (5) years with credit for time already spent.

AS TO COUNT 40: UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE:

- The defendant shall be committed to the custody of the Director of the Department of Public Safety for imprisonment for a period of FIVE (5) years with credit for time already spent.

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

Love M. Kelly
 Clerk Circuit Court, Fifth Circuit

RE: Defendant JOSEPH FERNANDEZ
Cr. No. 00-01-0173

2. The court ordered the confiscated knives/machete shall be forfeited to the Kauai Police Department pursuant to HRS 134-12.5.

The periods of confinement as to Counts 1, 31, 35, 38, and 39 shall run concurrently; but CONSECUTIVELY as to Count 40. The total period of confinement is FIFTEEN (15) years; mittimus to issue forthwith.

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The Defendant entered the plea(s) indicated. It is adjudged that the Defendant has been convicted of and is guilty of the offense stated above, committed in the manner and form set forth in the charge.

The court finds that the Defendant comes within the classification of a young adult defendant under HRS Section 667 and that in lieu of any other sentence of imprisonment authorized by law, defendant should be sentenced to a special indeterminate term of imprisonment. The court is of the opinion that such special term is adequate for defendant's correction and rehabilitation and will not jeopardize the protection of the public.

THE JUDGMENT AND SENTENCE OF THIS COURT IS AS STATED HEREIN.

DATE SIGNED

11/30/2000

JUDGE

CLIFFORD L. NAKEA

SIGNATURE

Clifford L. Nakea

NOTICE OF ENTRY

THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL PARTIES.

DATE

11/30/2000

CLERK

Cheryl J. Lee