

STATE OF HAWAII FAMILY <del>CIRCUIT</del> COURT OF THE FIRST CIRCUIT	<b>JUDGMENT</b> <b>GUILTY CONVICTION AND SENTENCE</b> <input type="checkbox"/> Young Adult Defendant NOTICE OF ENTRY	CASE NUMBER <b>FC-CR No. 90-0013</b>
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STATE OF HAWAII VS (DEFENDANT)  <b>CHARLES F. COMER, JR.</b>	POLICE REPORT NUMBER
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<b>DEFENDANT'S PLEA</b> <input type="checkbox"/> GUILTY <input type="checkbox"/> NOT GUILTY    (Count IV) <input checked="" type="checkbox"/> NO CONTEST	<input type="checkbox"/> JURY VERDICT <input type="checkbox"/> JUDGE FINDINGS
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ORIGINAL CHARGE(S) <b>I-III: SEXUAL ASSAULT IN THE FIRST DEGREE</b> <b>IV-V: SEXUAL ASSAULT IN THE THIRD DEGREE</b>	CHARGE TO WHICH DEFENDANT PLEAD <b>IV: SEXUAL ASSAULT IN THE FOURTH DEGREE (Reduced Charge)</b>
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**DEFENDANT IS CONVICTED AND FOUND GUILTY OF**  
**IV: SEXUAL ASSAULT IN THE FOURTH DEGREE (Reduced Charge)**  
 (Ct. I: Sentencing set for 9/17/91, 8:30 a.m. Cts. II, III, and V: State to file Motion for Nolle Prosequi.)

<b>FINAL JUDGMENT AND SENTENCE OF THE COURT</b>								
<input type="checkbox"/> FINE \$ _____ TO BE PAID TO THE CLERK OF COURT		<input checked="" type="checkbox"/> MITTIMUS TO ISSUE <del>IMMEDIATELY</del> <b>7/29/91</b> , NO LATER THAN 6 P.M.						
<input type="checkbox"/> RESTITUTION \$ _____		<input type="checkbox"/> MITTIMUS STAYED UNTIL _____						
<input checked="" type="checkbox"/> INCARCERATION		<input type="checkbox"/> OTHER:						
<table border="1"> <tr> <td>YEARS</td> <td>MONTHS</td> <td>DAYS</td> </tr> <tr> <td>ONE (1)</td> <td></td> <td></td> </tr> </table>	YEARS	MONTHS	DAYS	ONE (1)				
YEARS	MONTHS	DAYS						
ONE (1)								
		I do hereby certify that this is a full, true and correct copy of the original on file in this office. <u>M. Semple</u> Clerk, Circuit Court, First Circuit						

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	JUDGE	SIGNATURE
7/15/91	DANIEL G. HEELY	

<b>NOTICE OF ENTRY</b>  THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL PARTIES.	JUL 15 1991 3:54 P.M.
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DATE	CLERK
7/15/91	D. GORA

TO: DEFENDANT CHARLES F. COMER, JR.

**IT IS THE ORDER OF THE COURT THAT DURING YOUR TERM OF PROBATION, YOU SHALL COMPLY IN ALL RESPECTS WITH THE FOLLOWING TERMS AND CONDITIONS:**

1. You must not commit another federal or state crime during the term of probation;
2. You must report to a probation officer as directed by the court or the probation officer;
3. You must remain within the jurisdiction of the court unless granted permission to leave by the court or a probation officer;
4. You must notify a probation officer prior to any change in address or employment;
5. You must notify a probation officer promptly if arrested or questioned by a law enforcement officer; and
6. You must permit a probation officer to visit you at your home or elsewhere as specified by the court.
7. Your further special conditions of probation are as follows:
  - A. Follow all reasonable instructions which are given to you by your probation officer;

SEE ATTACHED.

**NOTE: IF YOUR WHEREABOUTS BECOME UNKNOWN TO YOUR PROBATION OFFICER BECAUSE OF YOUR FAILURE TO KEEP HIM INFORMED, THE COURT MAY ORDER YOUR ARREST. ANY FAILURE BY YOU TO COMPLY WITH ALL OF THE TERMS AND CONDITIONS OF PROBATION WILL MEAN THAT THE COURT CAN REVOKE YOUR PROBATION AND SENTENCE YOU TO PRISON, OR CHANGE OR ADD TO THE TERMS OF PROBATION. YOU ARE FURTHER INFORMED THAT PER HRS 134-7, YOU ARE PROHIBITED FROM OWNING OR POSSESSING ANY FIREARM OR AMMUNITION.**

**THE FOREGOING TERMS AND CONDITIONS OF PROBATION HAVE BEEN EXPLAINED TO ME; I FULLY UNDERSTAND THEM, AGREE TO ABIDE BY THEM IN EVERY WAY AND UNDERSTAND THE CONSEQUENCES. I HAVE RECEIVED A COPY OF THESE TERMS AND CONDITIONS OF PROBATION.**

DATE

DEFENDANT'S SIGNATURE

WITNESSED BY

INTERPRETED BY (PROBATION OFFICER)

Continuance of #7, Special Conditions:

- B. Be committed to the custody of the Director of the Department of Public Safety for a period of one (1) year of jail confinement, to run consecutive to any term now being served; mittimus to issue immediately;
- C. Participate satisfactorily in the Hawaii Sex Offender Treatment Program until clinically discharged with the concurrence of the Adult Probation Division, and pay \$25 per month toward the cost of treatment;
- D. Refrain from purchasing, possessing or consuming alcohol and/or illicit/unprescribed drugs/substances;
- E. Submit to drug and/or alcohol testing at his own expense as directed by the Adult Probation Division, with the provision that a positive finding and/or a failure to provide a specimen within two hours of instruction may be considered prima facie evidence of probation violation;
- F. Enter and remain in a drug/alcohol treatment program, as deemed appropriate by the Adult Probation Division, and if so directed, remain in treatment until clinically discharged with the concurrence of the Adult Probation Division;
- G. Refrain from purchasing or possessing inappropriate audio or visual materials as clinically defined by his primary therapist; nor shall he frequent any place where such material is available to him;
- H. Submit at reasonable times to search, conducted in a reasonable manner by the probation officer, of his person, his residence, his vehicle, or other sites and property under his control, with or without a warrant, and that any contraband or pornographic materials, as clinically defined by his primary therapist, found or observed thereby may be seized;
- I. Abide by any curfew, travel and leisure time restrictions imposed by the Adult Probation Division;
- J. Refrain from hitchhiking and picking up hitchhikers;
- K. Not make or attempt to make contact, directly or indirectly, with the victim or any other party significantly related to the victim, without the prior knowledge and authorization of the probation officer;