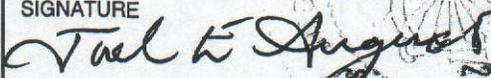
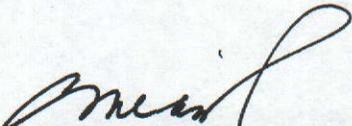


STATE OF HAWAII CIRCUIT COURT OF THE SECOND CIRCUIT	JUDGMENT GUILTY CONVICTION AND PROBATION SENTENCE NOTICE OF ENTRY	CASE NUMBER CR. NO. 04-1-0114(1)
STATE OF HAWAII VS (DEFENDANT) DEREK A. ELABAN	ORIGINAL	POLICE REPORT NUMBERS 02-49469 02-62284
DEFENDANT'S PLEA: ✓ NO CONTEST ✓ JUDGE FINDINGS		
ORIGINAL CHARGES: COUNT ONE: BURGLARY IN THE FIRST DEGREE COUNT TWO: SEXUAL ASSAULT IN THE THIRD DEGREE	CHARGES TO WHICH DEFENDANT PLEAD: SAME.	
DEFENDANT IS CONVICTED AND FOUND GUILTY OF: SAME.		
JUDGMENT AND SENTENCE OF THE COURT: PROBATION		
TERM FIVE (5) YEARS in each Count Terms to run concurrently	FINE	
SPECIAL CONDITIONS: <input type="checkbox"/> RESTITUTION <input checked="" type="checkbox"/> JAIL <input type="checkbox"/> COMMUNITY SERVICE		
<input checked="" type="checkbox"/> OTHER: SEE "TERMS AND CONDITIONS OF PROBATION" ATTACHED HERETO AND MADE A PART HEREOF.		
It is adjudged that the Defendant has been convicted and is guilty as stated above: IT IS THE JUDGMENT AND SENTENCE of the court that the Defendant pay the fine/restitution indicated and is hereby placed on probation for the period stated above, commencing as of the date of this judgment, unless sooner discharged by order of the court, upon condition that the Defendant comply with all of terms and conditions of probation set forth in the attached document. IT IS ORDERED that copies of this Judgment be delivered to the Adult Probation Division of this court, that a probation officer of this court take charge of and have supervision of the Defendant and instruct the Defendant regarding the terms and conditions of probation, and that the probation officer furnish the Defendant a copy of this Judgment.		
DATE SIGNED 10/13/04	JUDGE JOEL E. AUGUST	SIGNATURE 
NOTICE OF ENTRY		
THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL PARTIES. Distribution: J.W. Hupp, DPA; William McGrath, DPD; Deft c/o MCCC; MCCC; Deft c/o ACSB; ACSB; MPD; Fiscal; Sheriff; Clerk		
DATE 10/13/04	CLERK 	

CC-BASIL CLERK
 SECOND JUDICIAL CIRCUIT
 STATE OF HAWAII
 2004 OCT 13 PM 2:33
 [Signature]

FILED

TO: DEFENDANT: DEREK A. ELABAN

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:

SEE ATTACHED SPECIAL TERMS AND CONDITIONS OF PROBATION

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)

State of Hawaii v. Derek A. Elaban
Cr. No. 04-1-0114(1)
ATTACHMENT TO TERMS AND CONDITIONS OF PROBATION

SPECIAL TERMS AND CONDITIONS

- A. Follow all reasonable instructions which are given to you by your Probation Officer.
- B. You must not own or possess any firearms or ammunition. If you have any firearms or ammunition, you must immediately turn them in to the appropriate county police department.
- C. You must serve a term of imprisonment of SIX (6) MONTHS to be served on ninety (90) consecutive weekends, from Friday, October 15, 2004 at 5:00 p.m. through Sunday, October 17, 2004 at 5:00 p.m. and each and every weekend thereafter until complete, with credit for time served. Mittimus to issue Friday, October 15, 2004 at 5:00 p.m..
- D. You must work full time or attend educational/vocational training as approved by your probation officer through the period of probation.
- E. You must pay the crime victim compensation fee of \$300.00 to the Clerk of the Court.
- F. You must pay a probation services fee in the amount of \$150.00 to the Clerk of the Court.
- G. You must pay a fine in the amount of \$500.00 to the Clerk of the Court.
- H. You must pay the crime victim compensation fee/probation services fee/fine at the rate of at least \$25.00 per month commencing January 2005. Payment shall be applied in the same order as they are listed in this paragraph. Any modifications in the manner of payment must be approved by the court.
- I. You must not possess, use, or consume any alcohol, unprescribed or illegal drug nor possess any drug-related paraphernalia and submit to urinalysis or other similar assessment tests at your own expense as directed by your probation officer. A positive finding or failure to provide a specimen within two hours of instruction may be considered prima facie evidence of probation violation.
- J. You must submit to drug/alcohol assessments at your own expense as directed by your probation officer and, if deemed necessary, obtain and maintain residential and/or outpatient substance abuse treatment as directed by or at

the discretion of your probation officer until clinically discharged with the concurrence of your probation officer. You shall be responsible for payment for such treatment. Assessment shall be completed within sixty (60) days.

- K. You must submit at reasonable times to a search of your person, residence, vehicle, or other sites and property under your control by any probation officer, with or without a warrant, based on reasonable suspicion that illicit substance(s) or other contraband (which may include firearms and/or ammunition; and/or inappropriate materials as clinically defined by your therapist), may be in the place(s) of a search. Any illicit substance(s) or contraband found or observed in such search may be seized.
- L. You must not contact or attempt to contact, directly or indirectly, the victim or any other party significantly related to the victim, without the prior knowledge and authorization of your probation officer.
- M. You must sign a Waiver of Extradition.
- N. You must participate satisfactorily in the Hawaii Sex Offender Treatment Program (HSOTP) with the provision that you obtain and maintain sex offender treatment, as approved by your probation officer, at your own expense until clinically discharged with the concurrence of your probation officer. Monthly progress reports are to be submitted to your probation officer by your therapist. If your probation officer deems you to be financially unable to pay, you shall participate in treatment with a Judiciary contracted therapist with payment to be made in accordance with Adult Probation payment formula.
- O. You must refrain from purchasing or possessing or accessing via the Internet or other electronic database inappropriate audio or visual materials as clinically defined by your primary therapist; nor shall you frequent any place where such material is available to you.
- P. You must abide by any curfew, travel, and leisure time restrictions imposed by your probation officer.
- Q. You must write a letter of apology to the victim as approved by your probation officer within fifteen (15) days. Said apology letter shall delineate specific acts for which apology is intended.