STATE OF HAWAI`I CIRCUIT COURT OF THE FIRST CIRCUIT	JUDGMENT OF CONVICTION AND PROBATION SENTENCE NOTICE OF ENTRY	CASE NUMBER: Cr. No. 08-1-1809

STATE VS. (DEFENDANT) ERNEST KAPU	DATE OF HEARING:	REPORT NUMBER(S):

DEFENDANT'S PLEA: GUILTY	TRIAL: CHANGE OF PLEA
ORIGINAL CHARGE(S): COUNT 1: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732, H.R.S.) COUNTS 2-5: SEXUAL ASSAULT IN THE 4TH DEGREE (§707-733, H.R.S.)	CHARGE(S) TO WHICH DEFENDANT PLED: COUNT 1: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732, H.R.S.) COUNTS 2-5: SEXUAL ASSAULT IN THE 4TH DEGREE (§707-733, H.R.S.)

DEFENDANT IS CONVICTED AND FOUND GUILTY OF: COUNT 1: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732, H.R.S.) COUNTS 2-5: SEXUAL ASSAULT IN THE 4TH DEGREE (§707-733, H.R.S.)	PHOTOGRAPH (If Available)	FINGERPRINT (If Available)

FINAL JUDGMENT AND SENTENCE OF THE COURT:

PROBATION:
FIVE (5) YEARS IN COUNT 1 AND ONE (1) YEAR IN COUNTS 2, 3, 4, AND 5, TERMS TO RUN CONCURRENTLY WITH EACH OTHER.

SEX OFFENDER

RESTITUTION: $795.00; FREE STANDING ORDER.

CRIME VICTIM COMPENSATION FEE: $500.00.

Defendant shall provide specimen samples and print impressions as required by H.R.S. Chap. 844D

DATE DECEMBER 14, 2009	JUDGE RICHARD W. POLLACK SIGNATURE	FIRST CIRCUIT COURT STATE OF HAWAII FILED December 14, 2009 2:43 pm Clerk, 7TH Division

NOTICE OF ENTRY

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

DATE DECEMBER 14, 2009	CLERK J. GARRETT

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

[ ] ORIGINAL FILE [ ] DPA [ ] DEFENSE-J. BURKS [ ] PROBATION [ ] POLICE [ ] HCJDC [ ] PUBLIC SAFETY [ ] HPA [ ] CASHIERS

STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT	TERMS AND CONDITIONS OF PROBATION	CASE NUMBER: **Cr. No. 08-1-1809**

TO: DEFENDANT, ERNEST KAPU

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 shall not commit another federal or state crime during your term of probation;

2. You shall report to your probation officer as ordered by the Court or by your probation officer. After this hearing or upon your release from confinement, you are ordered to report immediately to:

   Adult Client Services
   777 Punchbowl Street
   Honolulu, Hawaii 96813
   (808) 539-4500;

3. You shall not leave the island of O'ahu unless you first obtain permission to leave from your probation officer or the Court;

4. You shall report any change of address, telephone number, or employment to your probation officer before any such change;

5. You shall promptly notify your probation officer if you are arrested or questioned by a law enforcement officer; and

6. You shall permit your probation officer to visit your home and any other places specified by the Court at all reasonable times.

7. Your further special conditions of probation are as follows: You Shall:

   A. Follow all reasonable instructions which are given to you by your probation officer;

   B. 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.

YOUR FURTHER SPECIAL TERMS AND CONDITIONS OF PROBATION ARE ATTACHED.

WARNING:

IF YOUR WHEREABOUTS BECOME UNKNOWN TO YOUR PROBATION OFFICER BECAUSE OF YOUR FAILURE TO KEEP HIM/HER INFORMED, THE COURT MAY ORDER YOUR ARREST. UPON ANY FAILURE TO COMPLY WITH EACH OF THE TERMS AND CONDITIONS OF YOUR PROBATION, INCLUDING SPECIAL CONDITIONS, THE COURT MAY REVOKE YOUR PROBATION AND SENTENCE YOU TO PRISON OR CHANGE OR ADD TO THE CONDITIONS OF YOUR PROBATION.

YOU ARE FURTHER INFORMED THAT YOU ARE PROHIBITED FROM OWNING OR POSSESSING ANY FIREARM OR AMMUNITION PURSUANT TO HRS § 134-7.

THE 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	SIGNATURE OF PROBATION OFFICER

Cr. No. 08-1-1809
State of Hawaii vs. ERNEST KAPU

7. Special Conditions Of Probation

YOU SHALL:

A. Follow all reasonable instructions which are given to you by your probation officer;

B. 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. Provide buccal swab samples and print impressions of each hand, and if required by the collecting agency's rules or internal regulations, blood specimens, required for law enforcement identification analysis;

D. Serve a term of imprisonment of one (1) year in count 1, and six (6) months in counts 2, 3, 4, and 5, terms to run concurrently with each other, credit for time served;

E. Work full time or attend educational/vocational training as approved by your probation officer throughout the period of probation;

F. Pay restitution in the amount of $795.00, free standing order;

G. Pay to the crime victim compensation fund $500.00;

H. Pay a probation services fee in the amount of $150.00;

I. Pay the restitution, crime victim compensation fee, probation services fee at the rate of at least $35.00 per month upon release from incarceration. Payment shall be applied to the foregoing obligations in the same order as they are listed in this paragraph. Any modifications in the manner of payment must be approved by the court;

J. Not possess, use, or consume any alcohol, unprescribed or illegal drug nor possess any drug-related paraphernalia;

K. Submit to urinalysis or other similar assessment tests at your own expense as directed by your probation officer. **A positive finding or a failure to provide a specimen within two hours of instruction may be**

7. Special Conditions Of Probation

considered prima facie evidence of probation violation;

L. Submit to drug/alcohol assessment at your own expense as directed by your probation officer;

M. Obtain and maintain substance abuse treatment as directed by your probation officer until clinically discharged with the concurrence of your probation officer. You shall be responsible for payment for such treatment;

N. 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 may be in the place(s) of a search. Any illicit substance(s) or contraband found or observed in such a search may be seized;

O. Obtain and maintain mental health treatment or services, including medication and/or tests if ordered, as directed by your probation officer, until clinically discharged with the concurrence of your probation officer. You shall be responsible for payment for such treatment;

P. Not contact or attempt to contact, directly or indirectly, the victim , nor any other party significantly related to the victim, without the prior knowledge and authorization of your probation officer;

Q. As determined by your probation officer, participate in and complete service plan(s) in relation to your Level of Service Inventory - Revised and other assessment results on emotional/personal issues, attitude orientation, low self control, drugs and/or alcohol dependence, companions and family/marital relationships;

R. 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

7. Special Conditions Of Probation

to pay, you shall participate in treatment with a Judiciary contracted therapist with payment to be made in accordance with the Adult Probation Division payment formula;

S. 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 your;

T. Abide by any curfew, travel and leisure time restrictions imposed by your probation officer;

U. Not contact or attempt to contact, directly or indirectly, any minor child nor reside in the same residence with minor children without the permission of your probation officer;

V. Obtain and maintain a residence as approved by your probation officer; and

W. Pay for and submit to electronic monitoring as deemed appropriate by your probation officer.