

<b>STATE OF HAWAII</b> CIRCUIT COURT OF THE FIRST CIRCUIT	<b>JUDGMENT</b> <b>GUILTY CONVICTION AND PROBATION</b> <b>SENTENCE</b> NOTICE OF ENTRY	CASE NUMBER CR. NO. 97-1260
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STATE OF HAWAII VS (DEFENDANT)  JOHNNY RABELLIZSA	POLICE REPORT NUMBER  95496443
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<b>DEFENDANT'S PLEA</b> <input checked="" type="checkbox"/> <b>GUILTY</b> <input type="checkbox"/> <b>NOT GUILTY</b> <input type="checkbox"/> <b>NO CONTEST</b>	<input type="checkbox"/> <b>JURY VERDICT</b> <input checked="" type="checkbox"/> <b>JUDGE FINDINGS</b>
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ORIGINAL CHARGE  SEXUAL ASSAULT IN THE FIRST DEGREE	CHARGE TO WHICH DEFENDANT PLEAD  SEXUAL ASSAULT IN THE SECOND DEGREE
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DEFENDANT IS CONVICTED AND FOUND GUILTY OF

SEXUAL ASSAULT IN THE SECOND DEGREE (SECTION 707-731-87, H.R.S.)

**JUDGMENT AND SENTENCE OF THE COURT: PROBATION**

TERM      FIVE (5) YEARS	FINE      N/A
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SPECIAL CONDITIONS:

RESTITUTION       **OTHER** (SEE THE ATTACHED TERMS AND CONDITIONS OF PROBATION.)

**JAIL**

COMMUNITY SERVICE

I do hereby certify that this is a full, true and correct copy of the original on file in this office.  
*M. Suzuki*  
 Clerk, Circuit Court, First Circuit

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 MARCH 23, 1999	JUDGE JOHN S. W. LIM	SIGNATURE 
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<b>NOTICE OF ENTRY</b>		FIRST CIRCUIT COURT STATE OF HAWAII FILED <b>MAR 23 1999</b> 3:03 o'clock P. M. <i>J. S. Gandia</i> Clerk, 7th Division
THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL PARTIES.		
DATE MARCH 23, 1999	CLERK <i>J. S. Gandia</i> J. S. GANDIA	

TO: DEFENDANT JOHNNY RABELLIZSA

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:

~~XXX Follow all reasonable instructions which are given to you by your probation officer. XXX~~

(SEE THE ATTACHED SPECIAL 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)

Cr. No. 97-1260

State of Hawaii vs. Johnny Rabellizsa

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. Serve a term of imprisonment of one (1) year, with credit for time already served. No Mittimus to issue;
- D. Work full-time or attend educational or vocational training as approved by your probation officer throughout the period of probation, except as precluded by treatment;
- E. Not possess, use, or consume any alcohol, unprescribed or illegal drug nor possess any drug related paraphernalia;
- F. Submit to urinalysis or other similar assessment tests at your own expense as directed by your probation officer. **NOTE:** A positive finding or a failure to provide a specimen within two hours of instruction may be considered prima facie evidence of probation violation;
- G. Submit to substance abuse assessment at your own expense as directed by your probation officer;
- H. 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 a search may be seized;
- I. Obtain and maintain substance abuse treatment if so directed by your probation officer until clinically discharged with the concurrence of your

7. Special Conditions Of Probation

probation officer. You shall be responsible for payment for such treatment;

- J. 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. This does not include your immediate family of residence;
- K. Sign a Waiver of Extradition;
- L. Pay for and submit to electronic monitoring as deemed appropriate by your probation officer;
- M. 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 the Adult Probation Division payment formula;
- N. Refrain from purchasing or possessing 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;
- O. Abide by any curfew, travel, and leisure time restrictions imposed by your probation officer;
- P. Refrain from hitchhiking and picking up hitchhikers;
- Q. Obtain and maintain a residence as approved by your probation officer; and
- R. Formulate a safety plan with your therapist involving the minor children at any time residing in your household.