

<b>STATE OF HAWAII</b> <b>CIRCUIT COURT OF THE</b> <b>FIRST CIRCUIT</b>	<b>JUDGMENT</b> <b>GUILTY CONVICTION AND PROBATION</b> <b>SENTENCE</b> <b>NOTICE OF ENTRY</b>	<b>CASE NUMBER</b>  <b>Cr. No. 89-1716</b>
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<b>STATE OF HAWAII VS (DEFENDANT)</b>  <b>IRENEO BADUA RIVERA</b>	
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<b>DEFENDANT'S PLEA</b>  <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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<b>ORIGINAL CHARGE</b> <b>COUNTS I, II &amp; IV: SEXUAL ASSAULT IN</b> <b>THE FIRST DEGREE</b> <b>COUNT III: SEXUAL ASSAULT IN THE</b> <b>THIRD DEGREE</b>	<b>CHARGE TO WHICH DEFENDANT PLEAD</b> <b>COUNTS I, II &amp; IV: SEXUAL ASSAULT IN</b> <b>THE SECOND DEGREE</b> <b>COUNT III: SEXUAL ASSAULT IN THE</b> <b>THIRD DEGREE</b>
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DEFENDANT IS CONVICTED AND FOUND GUILTY OF

**COUNTS I, II & IV: SEXUAL ASSAULT IN THE SECOND DEGREE**  
**COUNT III: SEXUAL ASSAULT IN THE THIRD DEGREE**

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

<b>TERM FIVE (5) YEARS AS TO EACH</b>	<b>FINE</b>
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**COUNT; TO RUN CONCURRENT TO ONE ANOTHER**  
**SPECIAL CONDITIONS:**

<input type="checkbox"/> RESTITUTION  <input checked="" type="checkbox"/> JAIL (SEE ATTACHED)  <input type="checkbox"/> COMMUNITY SERVICE	<input checked="" type="checkbox"/> OTHER SEE ATTACHED TERMS AND <b>CONDITIONS OF PROBATION</b>
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I do hereby certify that this is a full, true, and correct copy of the original on file in this office pursuant to Section 92-30, Hawaii Revised Statutes.

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.

*[Signature]*  
 Clerk, Circuit Court, First Circuit,  
 State of Hawaii

<b>DATE SIGNED</b> <b>5/2/91</b>	<b>JUDGE</b> <b>MARCIA J. WALDORF</b>	<b>SIGNATURE</b> <i>[Signature]</i>
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**NOTICE OF ENTRY**

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

FIRST CIRCUIT COURT  
 STATE OF HAWAII  
 FILED  
 May 2, 1991  
 2:40 o'clock P.M.  
*[Signature]*  
 Clerk,

<b>DATE</b> <b>5/2/91</b>	<b>CLERK</b> <b>AMY KATO</b>  <i>[Signature]</i>	
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TO: DEFENDANT IRENEO BADUA RIVERA:

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;
  - B. Be committed to the custody of the Director of the Department of Public Safety for a period of one (1) year jail confinement; with credit for time served;
  - C. You are to obtain and maintain mental health counseling, including but not limited to psychosexual assessment, and any treatment shown to be necessary from said assessment; and said mental health treatment to take place at the most appropriate licensed clinic available to the defendant;

SEE NEXT PAGE

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 PIIH MRS 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)

TERMS AND CONDITIONS OF PROBATION  
Cr. No. 89-1716  
IRENEO BADUA RIVERA

- D. You are to obtain a substance abuse assessment and to undertake whatever treatment may be shown necessary therefrom; and if said treatment under either circumstances is deemed appropriate, then you are to remain in said treatment until clinically discharged therefrom and with the concurrence of the Adult Probation Division;
- E. You are not to have any contact with the complaining witness, with , or anyone known to be significantly associated with the prosecution of these cases and this is physical contact and verbal contact; and you are not to be on the premises of any school, place of employment or residence where the complaining witness might reasonably be anticipated to be present or where anyone associated with the prosecution of this case might reasonably be anticipated to be present without the prior knowledge or authorization of the Probation Officer;
- F. You are prohibited from possessing any firearm, ammunition or other dangerous weapons with or without a permit;
- G. You are to refrain from the use of drugs or other illicit substances or unprescribed medications;
- H. You are to submit to testing for presence of drugs or other unprescribed or illicit substances or medications 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;
- I. You are to submit at reasonable times to search, conducted in a reasonable manner by the Probation Officer or a legally authorized representative, of your person, your residence, your vehicle, or other sites and property under your control, with or without a warrant, and that any contraband found or observed thereby may be seized;
- J. You are to obtain and maintain gainful, full-time employment and/or educational/vocational training throughout the period of probation, except as may be precluded by any treatment or combination of treatment regimen that you may be undertaking at any given time; and
- K. You are to sign a Waiver of Extradition.