STATE OF HAWAI`I CIRCUIT COURT OF THE FIRST CIRCUIT	JUDGMENT OF CONVICTION AND PROBATION SENTENCE NOTICE OF ENTRY	CASE NUMBER: Cr. No. 06-1-2240

STATE VS. (DEFENDANT) **BRYTON FUKUJI**	DATE OF HEARING: JANUARY 28, 2008	REPORT NUMBER(S):
Defense Counsel: C. KANAI		

DEFENDANT'S PLEA: GUILTY	TRIAL: CHANGE OF PLEA

ORIGINAL CHARGE(S):	CHARGE(S) TO WHICH DEFENDANT PLED:
COUNTS 1-4: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(f), H.R.S.) COUNT 5: ATTEMPTED SEXUAL ASSAULT IN THE 1ST DEGREE (§705-500 & 707-730(1)(a), H.R.S.)	COUNTS 1-4: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(f), H.R.S.) COUNT 5: ATTEMPTED SEXUAL ASSAULT IN THE 2ND DEGREE (§707-731(1)(a), H.R.S.)

DEFENDANT IS CONVICTED AND FOUND GUILTY OF:		
COUNT S 1-4: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(f), H.R.S.) COUNT 5: ATTEMPTED SEXUAL ASSAULT IN THE 2ND DEGREE (§707-731(1)(a), H.R.S.)	PHOTOGRAPH (If Available)	FINGERPRINT (If Available)

FINAL JUDGMENT AND SENTENCE OF THE COURT:

SEE ATTACHMENT (TERMS AND CONDITIONS OF PROBATION)

PROBATION (HOPE):
FIVE (5) YEARS IN COUNTS 1-5, TERMS TO RUN CONCURRENTLY WITH EACH OTHER.

RESTITUTION $1,334.00, FREE STANDING ORDER.

CRIME VICTIM COMPENSATION FEE:
$630.00 is waived by the Court due to inability to pay.

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

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

DATE JANUARY 28, 2008	JUDGE RICHARD W. POLLACK SIGNATURE	FIRST CIRCUIT COURT STATE OF HAWAII FILED Jan. 28 2008 3:30 o'clock P M. Clerk, 7th Division

NOTICE OF ENTRY

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

DATE JANUARY 28, 2008	CLERK L. MINAGAWA

[ ] ORIGINAL FILE [ ] DPA [ ] DEFENSE-C. KANAI [ ] PROBATION [ ]POLICE [ ] HCJDC [ ] PUBLIC SAFETY [ ] HPA [ ] CASHIERS

STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST CIRCUIT	TERMS AND CONDITIONS OF PROBATION	CASE NUMBER: **Cr. No. 06-1-2240**

TO: DEFENDANT, BRYTON FUKUJI

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. 06-1-2240
State of Hawaii vs. BRYTON FUKUJI

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 twelve (12) months in Counts 1-4 and fifteen (15) months in Count 5, terms to run concurrently with each other and with Criminal Number 07-1-2231, effective forthwith;

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

E. Pay restitution in the amount of $1,334.00, free standing order;

F. Pay to the crime victim compensation fund $630.00; however, this fee is waived by the Court due to inability to pay;

G. Pay a probation services fee in the amount of $150.00; however, this fee is waived by the Court due to inability to pay;

H. Pay the restitution at the rate of at least $25.00 per month upon release from custody. Any modifications in the manner of payment must be approved by the court;

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

J. 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 considered prima facie evidence of probation violation;**

7. Special Conditions Of Probation

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

L. 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;

M. 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;

N. 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;

O. 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;

P. Sign a Waiver of Extradition;

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;

7. Special Conditions Of Probation

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

T. 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; and

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

PUBLIC SAFETY

CERTIFICATE OF PRESENTENCE DETENTION

Name of Defendant Bryton Fukuji HI SID No. _____ Date of Sentence 1/28/08

Cr. No./Count	Police Report #	Length of Detention From	Length of Detention To	No. of Days Detained
06-1-2240 (1)		11/6/6	11/6/6	1
(2)				
(3)				
(4)				
(5)				

I certify that this defendant was detained as indicated above by my Department/Agency as of the date of sentence.

_____ Chief of Police, Honolulu Police Dept.
_____ Director, Dept. of Corrections (State of HI)
_____ Director, Dept. of Health (State of HI)
_____ Other

DEPARTMENT OF PUBLIC SAFETY
SHERIFF DIVISION
COMMANDER OF RECORDS SECTION
1177 ALAKEA STREET, SUITE 200
HONOLULU, HI 96813

By _____ (Signature), Its authorized representative

_____ (Title)

NOV 2 0 2007 (Date)

HPD

CERTIFICATE OF PRESENTENCE DETENTION

Name of Defendant Bryton Fukuji HI SID No _____ Date of Sentence 1/28/08.

Cr. No./Count	Police Report #	Length of Detention From	Length of Detention To	No. of Days Detained
06-1-2240(c		10-26-06	10-27-06	
(2)				
(3)				
(4)				
(5)				

I certify that this defendant was detained as indicated above by my Department/Agency as of the date of sentence.

__x__ Chief of Police, Honolulu Police Dept.
_____ Director, Dept. of Corrections (State of HI)
_____ Director, Dept. of Health (State of HI)
_____ Other _____

By / _____ (Signature), Its authorized representative

_____ (Title)

1-13-08 (Date)