

TO: DEFENDANT: MICHAEL DEATHERAGE

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;

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 Hawai'i vs. Michael Deatherage

Cr. No. 05-1-0470(2)

ATTACHMENT TO TERMS AND CONDITIONS OF PROBATION

SPECIAL TERMS AND CONDITIONS

- A. You must 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, with credit for time served; mittimus to issue forthwith.
- D. You must pay the *Crime Victim Compensation fee of \$100.00 to the Clerk of the Court.*
- E. You must pay a Probation Services fee in the amount of \$150.00 to the Clerk of the Court.
- F. You must pay the crime victim compensation fee/probation services fee at the rate of at least \$50.00 per month beginning sixty (60) days after release from incarceration. 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.
- G. You must not possess, use, or consume any alcohol, unprescribed or illegal drug nor possess any drug-related paraphernalia.
- H. You must 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.
- I. You must submit to drug/alcohol assessment at your own expense as directed by your probation officer. If deemed necessary, you must obtain and maintain (residential) (outpatient) substance abuse treatment (as directed by) (at the discretion of) your probation officer until clinically discharged with the concurrence of your probation officer. You shall be responsible for payment of such treatment.

- J. 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 found in the place(s) of a search. Any illicit substance(s) or contraband found or observed in such a search may be seized.
- K. 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 written authorization of your probation officer.
- L. You must sign a Waiver of Extradition.
- M. You must pay for and submit to electronic monitoring as deemed appropriate by your probation officer.
- 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 the 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 refrain from hitchhiking and picking up hitchhikers.
- R. You must 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.
- S. You must obtain and maintain residence as approved by your probation officer.
- T. You must provide photograph and/or fingerprints.
- U. You must register as a sex offender as directed by your probation officer.