

ORIGINAL

FILED

OFFICE OF THE PUBLIC DEFENDER
JOHN M. TONAKI 3915-0
PUBLIC DEFENDER
BY: PETER BRESCIANI 5507-0
DEPUTY PUBLIC DEFENDER
P.O. BOX 1219
CAPTAIN COOK, HI 96704
TELEPHONE NO. 323-7562, FAX NO. 323-7565

2000 NOV 27 PM 1:27
L. Kitacka
L. KITACKA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

ATTORNEYS FOR DEFENDANT

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAI'I

STATE OF HAWAI'I)	CR. NO.00-1- ^{015K} 0158K
)	
Plaintiff,)	JUDGMENT OF ACQUITTAL AND
)	ORDER FOR TEMPORARY
vs)	CONDITIONAL RELEASE
)	
ANTONE CAZIMERO, JR.,)	
)	
<u>Defendant.</u>)	

JUDGMENT OF ACQUITTAL, ORDER FOR
TEMPORARY CONDITIONAL RELEASE REPORT

Defendant ANTONE CAZIMERO, JR. having waived trial by jury and the matter having come on for decision on a stipulated facts bench trial on November 16, 2000, the Defendant was present with counsel, PETER BRESCIANI, Deputy Public Defender, and the STATE OF HAWAI'I was represented by CAROL KITACKA, Deputy Prosecuting Attorneys, and the court having considered the reports of Drs. Paltin, Hall and Cunningham and other exhibits offered by the parties makes the following Findings of Fact:

FINDINGS OF FACT:

1. The Defendant understood his right to a jury trial, knowingly, intelligently and voluntarily waived this right;

I hereby certify that this is a full, true and correct copy of the original on file in this office.

Barbara C. Scott
Clerk, Third Circuit Court, State of Hawaii

2. The Defendant understood his right to cross examination of the witnesses whose statements appeared in certain exhibits submitted by the State and he knowingly, intelligently and voluntarily waived his right to cross examination as to those witnesses and statements.
3. The Court finds that at the time of the offense the Defendant suffered from a mental disease, defect or disorder that caused his cognitive and volitional capacities to be substantially impaired.

IT IS THEREFORE ORDERED that the Defendant is acquitted of Sexual Assault in the First Degree, HRS § 707-730(1)(b) and Sexual Assault in the Third Degree, HRS 707-732(1)(b) because of mental disease, disorder or defect excluding penal responsibility.

IT IS FURTHER ORDERED that pursuant to HRS § 704-411(2), the Court orders a separate post-acquittal hearing for the purpose of taking evidence on the issue of the risk of danger which the defendant presents to oneself or others and set conditions of conditional release if any. The parties have agreed to submit the issue of dangerousness on the reports of the doctors previously admitted into evidence.

IT IS FURTHER ORDERED that the Defendant contact Adult Probation in Kona by November 17, 2000.

IT IS HEREBY ORDERED that the Defendant is placed on Temporary Conditional Release with the following Standard Terms and Conditions of Conditional Release:

1. You are placed under the supervision of the Adult Probation Department and are to report as directed to your probation officer.
2. Your probation officer shall have the right to ask your mental health treating professional about your progress at any time.
3. Your probation officer may order you temporarily

hospitalized for 72 hours for any violation of the terms and conditions so your conditional release.

4. You must notify your probation officer and obtain permission for any change in address prior to changing your address.
5. You may not leave the Island of Hawai'i without first obtaining permission from your probation officer.
6. You cannot own or possess any firearm or ammunition or any dangerous instrument as defined by law.

IT IS FURTHER ORDERED that the Defendant shall comply with the following special terms and conditions of Conditional Release:

1. The Defendant shall have no contact with children under 18 years of age;
2. The Defendant shall continue to see Dr. Carol Brown, psychiatrist, or other mental health provider approved by your Probation Officer until clinical discharge;
3. The Defendant shall take all prescribed medication and shall be subject to testing of your blood or urine to confirm that you are medication compliant;
4. The Defendant shall not possess or consume alcohol;
5. The Defendant shall submit to a test of his blood breath or urine to determine the presence of alcohol within 2 hours of a request by his probation officer;
6. The Defendant shall continue to attend 2 AA meetings per week; and
7. The Defendant shall continue to reside with his wife

STATE V. ANTONE CAZIMERO, JR.
CR. NO. 00-1-0075K
JUDGMENT OF ACQUITTAL, ORDER FOR
TEMPORARY CONDITIONAL RELEASE REPORT

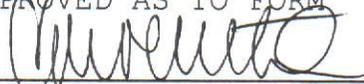
DATED: Kealahou, Hawai'i

27 Nov 2000



JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM



CAROL KITAOKA
DEPUTY PROSECUTING ATTORNEY