

**ORIGINAL**

<b>STATE OF HAWAII</b> CIRCUIT COURT OF THE THIRD CIRCUIT	<b>JUDGMENT</b> <b>OF CONVICTION AND PROBATION</b> <b>SENTENCE</b>	CASE NUMBER: <b>Cr. No. 08-1-469</b>
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STATE VS. (DEFENDANT) <b>THOMAS HICKOX, JR.</b>	DATE OF HEARING: 8/10/2009
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Defense Counsel: MICHAEL EBESUGAWA

**DEFENDANT'S PLEA:**  
**GUILTY**

**TRIAL:**  
**CHANGE OF PLEA**

**ORIGINAL CHARGE(S):**  
**CT. 1: PROMOTING A DETRIMENTAL DRUG IN THE 2ND DEGREE** (§712-1248(1), H.R.S.)  
**CTS. 2, 3: SEXUAL ASSAULT IN THE 1ST DEGREE** (§707-730(1)(c), H.R.S.)  
**CTS. 4, 5: SEXUAL ASSAULT IN THE 3RD DEGREE** (§707-732(1)(c), H.R.S.)

**CHARGE(S) TO WHICH DEFENDANT PLED:**  
**CT. 1: PROMOTING A DETRIMENTAL DRUG IN THE 2ND DEGREE** (§712-1248(1), H.R.S.)  
**CTS. 2, 3: SEXUAL ASSAULT IN THE 1ST DEGREE** (§707-730(1)(c), H.R.S.)  
**CTS. 4, 5: SEXUAL ASSAULT IN THE 3RD DEGREE** (§707-732(1)(c), H.R.S.)

**DEFENDANT IS CONVICTED AND FOUND GUILTY OF:**  
**CT. 1: PROMOTING A DETRIMENTAL DRUG IN THE 2ND DEGREE** (§712-1248(1), H.R.S.)  
**CTS. 2, 3: SEXUAL ASSAULT IN THE 1ST DEGREE** (§707-730(1)(c), H.R.S.)  
**CTS. 4, 5: SEXUAL ASSAULT IN THE 3RD DEGREE** (§707-732(1)(c), H.R.S.)

**PHOTOGRAPH**  
 (If Available)

**FINGERPRINT**  
 (If Available)

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

**CRIME VICTIM COMPENSATION FEE:** \$875.00  
**PROBATION:**  
**CTS. 2, 3: TWENTY (20) YEARS; CTS. 4, 5: TEN (10) YEARS; PURSUANT TO HRS 706-606.3;**  
**CT. 1: ONE (1) YEAR**

**SEX OFFENDER**  
**SEE ATTACHMENT (TERMS AND CONDITIONS OF PROBATION)**

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

*Jaw Nakamura*  
 Clerk, Third Circuit Court, State of Hawaii

**DATE**  
**AUG 13 2009**  
 nunc pro tunc  
 to 8/10/2009

**JUDGE**  
 GREG K. NAKAMURA

**SIGNATURE**



**NOTICE OF ENTRY**

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

**DATE**  
**AUG 13 2009**

**CLERK**  
 J. NAKAMURA



2009 AUG 13 PM 1:14  
 L. CONNER, CLERK  
 THIRD CIRCUIT COURT  
 STATE OF HAWAII

**FILED**

*Re*

TO: DEFENDANT, THOMAS HICKOX, JR.

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 Probation Division  
777 Kilauea Avenue  
Hilo, HI 96720  
(808) 961-7600;
3. You shall not leave the island of Hawai'i 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

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



Clerk, Third Circuit Court, State of Hawaii

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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. Be committed to the custody of the Director of the Department of Public Safety for a period of incarceration of ONE (1) YEAR in regard to Cts. 2, 3, 4, and 5, and SIX (6) MONTHS in regard to Ct. 1, with credit for time served. All jail terms to run concurrently with each other. Your term of incarceration may be served intermittently from Fridays, at 6:00 p.m. to Sundays, at 6:00 p.m. Mittimus to issue **FRIDAY, AUGUST 21, 2009, AT 6:00 P.M.** You are ordered to report directly to the jail;
- D. Obtain a substance abuse assessment as directed by your probation officer. You must pay for the assessment at your own expense, in accordance with your ability to pay, and follow any recommendations for treatment to clinical discharge;
- E. Not own, use, possess, or consume any illegal and/or unprescribed drugs or hemp products, including marijuana, or possess any drug related paraphernalia;
- F. Not possess, use or consume any intoxicants, or be in bars or other places where alcohol is the primary item of sale or consumption;
- G. Submit to urinalysis or other similar assessments at your own expense and in accordance with your ability to pay. A positive finding, a failure to provide a valid specimen within two hours of instruction, the use of a tampering device or a specimen determined adulterated or inconsistent with human urine by laboratory testing may be considered prima facie evidence of probation violation;
- H. Not associate with persons known or reputed to be users of illegal and/or unprescribed drugs, including marijuana, or be in the vicinity where those substances are present, unless specifically approved by your probation officer in accordance with your employment or counseling conditions;

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**7. Special Conditions Of Probation**

- I. Pay a Crime Victim's Compensation Fund Fee in the amount of \$875.00 (Ct. 1: \$55.00; Cts. 2, 3: \$305.00 each; Cts. 4, 5: \$105.00 each);
- J. Pay a probation services fee in the amount of \$150.00;
- K. Pay a Drug Demand Reduction Assessment Fund Fee in the amount of \$500.00 re: Ct. 1;
- L. Pay a monetary assessment of \$500 or the actual cost of the DNA analysis, whichever is less, to the DNA registry special fund. The provisions in this case relating to payment of DNA fee assessment and provisions of DNA samples are not meant to duplicate these requirements once fulfilled in this or any other case unless explicitly provided otherwise by law or order of Court;
- M. Make minimum monthly payments in the amount of \$20.00 per month;
- N. Obtain/maintain legal, verifiable, full-time work or enroll in an educational and/or vocational training program as approved by your probation officer for the duration of your probation;
- O. Support your dependents and meet other family responsibilities, pursuant to §706-624(2)(c);
- P. Not own, use, 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;
- Q. Provide buccal swab samples and print impressions of each hand and, if required by the collecting agency's rules or internal regulations, blood specimens required for law enforcement identification analysis;
- R. Not contact or attempt to contact, directly or indirectly, the victim, or anyone significantly related to the victim;
- S. Sign Waiver of Confidentiality form(s) to allow your probation officer to monitor your compliance with drug/alcohol treatment, mental health treatment and any other treatment required by the terms and conditions of your probation and your probation officer or the Court;
- T. Appear for all scheduled hearings and/or comply with the notice to appear

**7. Special Conditions Of Probation**

issued by the Court or your probation officer;

- U. Not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court;
- V. Sign the terms and conditions of probation. Upon verification that the terms and conditions of probation have been executed, bail shall be refunded and conditions of bail shall be canceled;
- W. Contact the Adult Probation Department immediately after your sentencing hearing;
- X. Successfully participate in the Hawaii Sex Offender Treatment Program (HSOTP), with the provision that you obtain and maintain sex offender treatment, at your own expense, and in accordance with your ability to pay as determined by HSOTP, to clinical discharge. If HSOTP deems you to be 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;
- Y. Refrain from purchasing, possessing, or accessing via the Internet or other electronic database, pornography, or any other 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;
- Z. Abide by any curfew, travel and leisure time restrictions imposed by your probation officer;
- AA. Refrain from hitchhiking and picking up hitchhikers;
- BB. 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. This provision shall not relate to your own minor children unless your probation officer directs that you not have contact with them;
- CC. Remain away from schools, playgrounds, theaters or other locations where unsupervised minors congregate;
- DD. Obtain and maintain a residence as approved by your probation officer;

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**7. Special Conditions Of Probation**

- EE. Pay for and submit to polygraph examinations at your own expense as directed by your sex offender therapist and your probation officer;
- FF. Submit to plethysmograph examinations at your own expense in accordance with your ability to pay and as directed by your sex offender therapist and your probation officer;
- GG. Obtain a psychosexual evaluation at your own expense in accordance with your ability to pay and as directed by your sex offender therapist and your probation officer;
- HH. Report to the Hawaii County Police Department and submit a blood sample for DNA testing;
- II. Register as a sex offender with the Chief of Police of the Hawaii County Police Department;
- JJ. Inform your employer of the offense as required by sex offender treatment and as directed by your probation officer.