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ORIGINAL

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	AMENDED JUDGMENT GUILTY CONVICTION AND PROBATION SENTENCE	CASE NUMBER: Cr. No. 00-1-191
STATE VS. (DEFENDANT) DANIEL MEDEIROS [redacted]	DATE OF HEARING: 07/18/02 [redacted]	REPORT NUMBER(S): CT. 1: G-13188/HL CT. 2: G- /HL; MPRN G-13188/HL
Defense Counsel: Brian DeLima		

DEFENDANT'S PLEA:	TRIAL:
GUILTY	CHANGE OF PLEA

ORIGINAL CHARGE(S):	CHARGE(S) TO WHICH DEFENDANT PLED:
COUNT 1: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(b), H.R.S.) COUNT 2: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(b), H.R.S.)	COUNT 1: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(b), H.R.S.) COUNT 2: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(b), H.R.S.)

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

FINAL JUDGMENT AND SENTENCE OF THE COURT:

CRIME VICTIM COMPENSATION FEE: $200.00
PROBATION:
FIVE (5) YEARS

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.

Clerk, Third Circuit Court, State of Hawaii

DATE	JUDGE	
SEP 19 2002 nunc pro tunc to 9/11/02	GREG NAKAMURA SIGNATURE	THIRD CIRCUIT COURT SEAL STATE OF HAWAII

NOTICE OF ENTRY

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

DATE	CLERK
SEP 19 2002	S. TOKUUKE

FILED
2002 SEP 19 AM 8:37
L. TAKETA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

[x] ORIGINAL FILE [x] DPA [x] DEFENSE-Brian DeLima [x] PROBATION(3) [x]POLICE [ ] HCJDC [ ] PUBLIC SAFETY [ ] HPA [ ] CASHIERS

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	TERMS AND CONDITIONS OF PROBATION	CASE NUMBER: Cr. No. 00-1-191

ORIGINAL

TO: DEFENDANT, DANIEL MEDEIROS

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
   1045 A 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
9/27/02		

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State of Hawaii vs. DANIEL MEDEIROS

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 ONE (1) YEAR; however, as to when the Mittimus shall issue is taken under advisement and; provided, you are in substantial compliance with the terms and conditions of probation;

D. Obtain and maintain verifiable full-time employment or attend educational/vocational training as approved by your probation officer throughout the period of probation;

E. Pay to the crime victim compensation fund $200;

F. Pay a probation services fee in the amount of $150;

G. Pay the crime victim compensation fee and the probation services fee at the rate of at least $25 per month. Payment shall be applied to the foregoing obligations in the same order as they are listed in this paragraph. Any modifications in the manner of payment must be approved by the court.

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

I. Submit to urinalysis or other similar assessment tests as directed by your probation officer. You shall be responsible for the cost, subject to your ability to pay, at not less than $5.00 per test. **A positive finding or a failure to provide a specimen within two hours of instruction may be considered prima facie evidence of probation violation;**

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

7. Special Conditions Of Probation

K. 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;

L. 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. Quarterly 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 Division payment formula;

M. Refrain from purchasing or possessing 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;

N. Abide by any curfew, travel, and leisure time restrictions imposed by your probation officer;

O. Refrain from hitchhiking and picking up hitchhikers;

P. 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;

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

R. Provide photograph and/or fingerprints;

S. Submit to polygraph examinations at your own expense as directed by your sex offender therapist and your probation officer;

T. Submit to pleythysmograph examinations, at your own expense, as directed by your sex offender therapist and your probation officer;

7. Special Conditions Of Probation

U. Report to the Hawaii Police Department (HPD) and submit a sample of your blood and/or saliva for DNA testing and analysis;

V. Register as a sex offender with the Chief of Police of the Hawaii County Police Department;

W. Not associate with any drug users or be in the vicinity where illegal drugs, including marijuana, are being used;

X. Appear for a Proof of Compliance hearing if you test positive for drugs/alcohol. The date and time of the hearing will be provided to you by your probation officer. You are ordered to comply with the notice to appear;

Y. Appear for all Proof of Compliance hearings that apply to you. The first Proof of Compliance hearing is scheduled for **WEDNESDAY, DECEMBER 11, 2002 @8:00 a.m.** You are ordered to appear for the Proof of Compliance hearing;

Z. Sign a Waiver of Confidentiality to allow your probation officer to monitor your compliance with sex offender treatment;

AA. Sign the Terms and Conditions of probation.