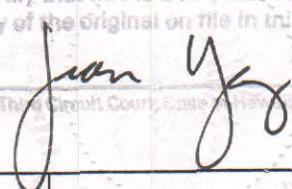
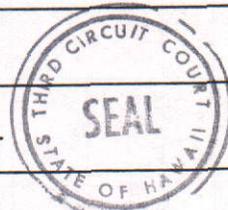
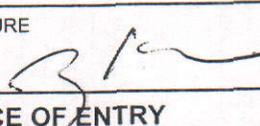


ORIGINAL

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT		AMENDED JUDGMENT GUILTY CONVICTION AND PROBATION SENTENCE		CASE NUMBER: Cr. No. 02-1-60	
STATE VS. (DEFENDANT) JOHN MACNEIL		DATE OF HEARING: 08/12/02		REPORT NUMBER(S): CT. 1: G-48449/SH	
Defense Counsel: Michael Ebesugawa					
DEFENDANT'S PLEA: GUILTY			TRIAL: CHANGE OF PLEA		
ORIGINAL CHARGE(S): COUNT 1: ATTEMPTED SEXUAL ASSAULT IN THE 2ND DEGREE (§705-500(1)(b) and 707-731(1)(a), H.R.S.) COUNT 2: ATTEMPTED SEXUAL ASSAULT IN THE 2ND DEGREE (§705-500(1)(b) and 707-731(1)(a), H.R.S.)			CHARGE(S) TO WHICH DEFENDANT PLED: COUNT 1: ATTEMPTED SEXUAL ASSAULT IN THE 2ND DEGREE (§705-500(1)(b) and 707-731(1)(a), H.R.S.) COUNT 2: ATTEMPTED SEXUAL ASSAULT IN THE 2ND DEGREE (§705-500(1)(b) and 707-731(1)(a), H.R.S.)		
DEFENDANT IS CONVICTED AND FOUND GUILTY OF: COUNT 1: ATTEMPTED SEXUAL ASSAULT IN THE 2ND DEGREE (§705-500(1)(b) and 707-731(1)(a), H.R.S.) COUNT 2: ATTEMPTED SEXUAL ASSAULT IN THE 2ND DEGREE (§705-500(1)(b) and 707-731(1)(a), H.R.S.)			PHOTOGRAPH (If Available)		FINGERPRINT (If Available)
FINAL JUDGMENT AND SENTENCE OF THE COURT: RESTITUTION \$2,100 to othe Crime Victim's Compensation Commission CRIME VICTIM COMPENSATION FEE \$200 PROBATION: TWENTY (20) 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 court.  Clerk, Third Circuit Court, State of Hawaii					
DATE OCT 22 2003		JUDGE GREG NAKAMURA		 2003 OCT 22 PM 4:18 SENOKA, CLERK THIRD CIRCUIT COURT STATE OF HAWAII FILED	
nunc pro tunc to 3/23/02		SIGNATURE 			
NOTICE OF ENTRY					
THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL					
DATE OCT 22 2003		CLERK S. TOKUJKE 			

11 ORIGINAL FILE 11 DPA 11 DEFENSE-Michael Ebesugawa 11 PROBATION 11 POLICE 11 HCJDC 11 PUBLIC SAFETY 11 HPA 11 CASHIERS

ORIGINAL

STATE OF HAWAII
CIRCUIT COURT OF THE
THIRD CIRCUIT

TERMS AND CONDITIONS
OF PROBATION

CASE NUMBER:
Cr. No. 02-1-60

TO: DEFENDANT, JOHN MACNEIL

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 <i>10/28/03</i>	DEFENDANT'S SIGNATURE <i>John Macneil</i>	SIGNATURE OF PROBATION OFFICER <i>[Signature]</i>

Cr. No. 02-1-60
State of Hawaii vs. JOHN MACNEIL

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, with credit for time already served. You shall serve NINETY (90) DAYS and you are allowed release for work and sex offender treatment. As to whether you will have to serve any remaining term of incarceration is taken under advisement and; provided, you are in substantial compliance with the terms and conditions of probation. The Adult Probation Division shall determine when the Mittimus shall issue;
- D. Work full time or attend educational/vocational training as approved by your probation officer throughout the period of probation. You are allowed to do a combination of both work and educational/vocational training, which shall amount to full time;
- E. Pay restitution in the amount of \$2,100 to the Crime Victim's Compensation Commission;
- F. Pay to the crime victim compensation fund \$200;
- G. Pay a probation services fee in the amount of \$150;
- H. Pay the restitution, the crime victim compensation fee, and the probation services fee at the rate of at least \$25 per month. You are to pay more when you are able to. 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.
- I. Perform 500 hours of community service, to be completed within TWO (2) YEARS from date of sentencing;
- J. Not possess, use, or consume any alcohol, unprescribed or illegal drug,

7. **Special Conditions Of Probation**

- including an hemp products, nor possess any drug-related paraphernalia;
- K. 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;**
- L. Submit to drug/alcohol assessment at your own expense as directed by your probation officer;
- M. 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;
- N. 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;
- O. 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;
- P. 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;
- Q. Abide by any curfew, travel, and leisure time restrictions imposed by your probation officer;
- R. Refrain from hitchhiking and picking up hitchhikers;

7. Special Conditions Of Probation

- S. 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. You shall not associate or communicate with any minor child;
- T. Obtain and maintain a residence as approved by your probation officer;
- U. Provide photograph and/or fingerprints;
- V. Pay for and submit to electronic monitoring as deemed appropriate by your probation officer to the extent as it relates to the treatment provisions of the sex offender treatment program;
- W. Submit to polygraph examinations at your own expense as directed by your sex offender therapist and your probation officer;
- X. Submit to pleythysmograph examinations, at your own expense, as directed by your sex offender therapist and your probation officer;
- Y. Obtain a psychosexual evaluation as directed by your sex offender therapist and your probation officer;
- Z. Report to the Hawaii Police Department (HPD) and submit a sample of your blood and/or saliva for DNA testing and analysis;
- AA. Register as a sex offender with the Chief of Police of the Hawaii County Police Department;
- BB. 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;
- CC. Write a letter of apology to the victim as approved by your therapist and the victim's therapist;
- DD. Not associate with any drug users or be in the vicinity where illegal drugs, including marijuana, are being used. You are allowed to associate with any acquaintance that has a right to use marijuana for medical purposes, but you are not to be in his presence when he is actually using the

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7. **Special Conditions Of Probation**

substance;

EE. Sign a Waiver of Confidentiality to allow your probation officer to monitor your compliance with substance abuse and sex offender treatment;

FF. Appear for all Proof of Compliance hearings that apply to you. The first Proof of Compliance hearing is scheduled for **MONDAY, OCTOBER 18, 2004 @8:00 A.M.** You are ordered to appear for the Proof of Compliance hearing;

GG. Sign the Terms and Conditions of probation.