

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	AMENDED JUDGMENT OF CONVICTION AND PROBATION SENTENCE	CASE NUMBER: Cr. No. 10-1-280
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STATE VS. (DEFENDANT) KYLE HICKS	DATE OF HEARING: 2/16/2011	REPORT NUMBER(S): CT. 1: C10017125/PN CT. 2: C10017157/PN CT. 3: C10*_/PN; C10017125/PN CT. 4: C10*_/PN; C10017125/PN (See Attached)
Defense Counsel: STANTON OSHIRO		

DEFENDANT'S PLEA: GUILTY	TRIAL: CHANGE OF PLEA
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ORIGINAL CHARGE(S): CTS. 1, 2, 6: ABUSE OF A FAMILY OR HOUSEHOLD MEMBER (§709-906(1), H.R.S.) CT. 3: ASSAULT IN THE 2ND DEGREE (§707-711(10)(d), H.R.S.) CT. 4: FELONY ABUSE OF FAMILY OR HOUSEHOLD MEMBER §709-906(1) & (8), H.R.S.) (See Attached)	CHARGE(S) TO WHICH DEFENDANT PLED: CT. 4: FELONY ABUSE OF FAMILY OR HOUSEHOLD MEMBER (§709-906(1) & (8), H.R.S.) Lesser included offense of CTS. 5, 7: SEXUAL ASSAULT IN THE 2ND DEGREE (§707-731, H.R.S.) CT. 9: KIDNAPPING (§707-720(3), H.R.S.)
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DEFENDANT IS CONVICTED AND FOUND GUILTY OF: CT. 4: FELONY ABUSE OF FAMILY OR HOUSEHOLD MEMBER (§709-906(1) & (8), H.R.S.) Lesser included offense of CTS. 5, 7: SEXUAL ASSAULT IN THE 2ND DEGREE (§707-731, H.R.S.) CT. 9: KIDNAPPING (§707-720(3), H.R.S.)	PHOTOGRAPH (If Available)	FINGERPRINT (If Available)
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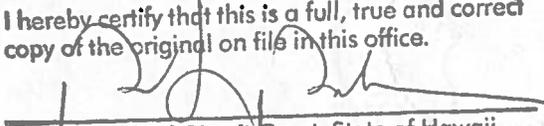
FINAL JUDGMENT AND SENTENCE OF THE COURT:

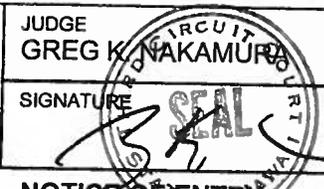
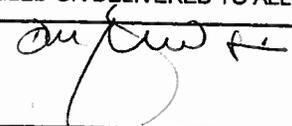
CRIME VICTIM COMPENSATION FEE: \$720.00

PROBATION:
FIVE (5) YEARS

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 MAR 16 2011	JUDGE GREG K. NAKAMURA	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> 2011 MAR 16 AM 8:57 L. CHINEN, CLERK THIRD CIRCUIT COURT STATE OF HAWAII </div> <div style="font-size: 2em; font-weight: bold; margin-top: 10px;">FILED</div>
nunc pro tunc to 2/16/2011	SIGNATURE 	
NOTICE OF ENTRY		
THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL		
DATE MAR 16 2011	CLERK <i>for</i> J. NAKAMURA 	

TO: DEFENDANT, KYLE HICKS

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, Room A-30
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.

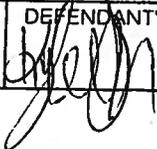
YOU ARE FURTHER INFORMED THAT YOU ARE PROHIBITED FROM OWNING OR POSSESSING ANY FIREARM OR AMMUNITION PURSUANT TO HRS § 134-7.

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

4/7/11

DEFENDANT'S SIGNATURE



One de Loma

STATE OF HAWAII
CIRCUIT COURT OF THE THIRD
CIRCUIT

JUDGMENT
GUILTY CONVICTION AND PROBATION
SENTENCE

CASE NUMBER:

Cr. No. 10-1-280

State of Hawaii vs. **KYLE HICKS**

Continuation of Police Report Numbers:

CT. 5: C10017133/PN
CT. 6: C10* /PN; C10017125/PN
CT. 7: C10* /PN; C10017125/PN
CT. 8: C10* /PN; C10017125/PN
CT. 9: C10017129/PN

Continuation of Original Charges:

CTS. 5, 7: SEXUAL ASSAULT IN THE 1ST DEGREE (§707-730(1)(a), H.R.S.)
CT. 8: TERRORISTIC THREATENING IN THE 1ST DEGREE (§707-715(1) & 707-716(1)(e), H.R.S.)
CT. 9: KIDNAPPING (§707-720, H.R.S.)

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State of Hawaii vs. KYLE HICKS

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 as follows: CT. 4: ONE (1) YEAR; Cts. 5, 7, 9: EIGHTEEN (18) MONTHS with credit for time served. All counts to run concurrently. Mittimus to issue forthwith;
- D. 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;
- E. Enter into and complete Domestic Violence Intervention Counseling;
- F. Pay a Crime Victim's Compensation Fund Fee in the amount of \$720.00 (Ct. 4: \$105.00; Cts. 5, 7, 9: \$205.00 each);
- G. Pay a probation services fee in the amount of \$150.00;
- H. 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;
- I. Make minimum monthly payments in the amount of \$10.00. (NOTE: Payments shall be applied in the same order as they are listed.);
- J. Not own, use, possess, or consume any illegal and/or unprescribed drugs or hemp products, including marijuana, or possess any drug-related paraphernalia;
- K. Submit to urinalysis or other similar assessments at your own expense

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7. Special Conditions Of Probation

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;

- L. Obtain a substance abuse assessment as directed by your probation officer at your own expense, in accordance with your ability to pay, and follow any recommendations for treatment to clinical discharge;
- M. Not contact or attempt to contact, directly or indirectly, the victim,
- N. Not threaten, annoy, alarm, harm, or harass
- O. Appear for all scheduled hearings and/or comply with the notice to appear issued by the court or your probation officer;
- P. Sign Waiver of Confidentiality form(s) to allow your probation officer to monitor your compliance with any treatment required by the terms and conditions of your probation and your probation officer or the court;
- Q. Provide buccal swab samples and print impression of each hand, and if required by the collecting agency's rules or internal regulation, blood specimens, required for law enforcement identification analysis;
- R. 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;
- S. 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 based on your ability to pay, 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 payment formula;
- T. Refrain from purchasing or possessing or accessing via the Internet or other electronic database inappropriate audio or visual materials as

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State of Hawaii vs. KYLE HICKS

7. Special Conditions Of Probation

clinically defined by your primary therapist, nor shall you frequent any place where such materials are available to you;

- U. Abide by any curfew, travel and leisure time restrictions imposed by your probation officer;
- V. Refrain from hitchhiking and picking up hitchhikers;
- W. Obtain and maintain a residence approved by your probation officer;
- X. Provide photograph and/or fingerprints;
- Y. Submit to polygraph examinations at your own expense based on your ability to pay as directed by your sex offender therapist and your probation officer;
- Z. Submit to plethysmograph examinations at your own expense based on your ability to pay as directed by your sex offender therapist and your probation officer;
- AA. Report to the Hawaii County Police Department and submit a blood/saliva sample for DNA testing;
- BB. Register as a sex offender with the Chief of Police of the Hawaii County Police Department;
- CC. Sign a waiver of extradition;
- DD. Sign the terms and conditions of probation.