ORIGINAL

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	**JUDGMENT** OF CONVICTION AND PROBATION SENTENCE NOTICE OF ENTRY	CASE NUMBER CR. NO. 09-1-313K

STATE OF HAWAII vs. (DEFENDANT)

JUSTIN PASAMONTE

POLICE REPORT NO.

DEFENDANT'S PLEA
_X_GUILTY ____NOT GUILTY ____NO CONTEST

____JURY VERDICT __X JUDGE FINDINGS

ORIGINAL CHARGE(S)
Counts 1, 2: SEXUAL ASSAULT IN THE SECOND DEGREE; Counts 3, 4: PROMOTING CHILD ABUSE IN THE THIRD DEGREE; Counts 5, 6: SEXUAL ASSAULT IN THE FIRST DEGREE; Counts 7, 8, 9, 10, 11, 12, 13, 14: SEXUAL ASSAULT IN THE THIRD DEGREE; Counts 15, 16, 17, 18: PROMOTING CHILD ABUSE IN THE FIRST DEGREE

CHARGE(S) TO WHICH DEFENDANT PLEAD
Cts 1, 2: SEXUAL ASSAULT IN THE SECOND DEGREE, in violation of Section 707-731(1)(a),
Cts 3, 4: PROMOTING CHILD ABUSE IN THE THIRD DEGREE, in violation of Section 707-752(1)(b)

DEFENDANT IS CONVICTED AND FOUND GUILTY OF
SAME CHARGES TO WHICH DEFENDANT PLEAD

JUDGMENT AND SENTENCE OF THE COURT: PROBATION

TERM FIVE (5) YEARS

FINE

SPECIAL CONDITIONS

____RESTITUTION

_X_JAIL

____COMMUNITY SERVICE

I hereby certify that this is a full, true and correct copy of the original on file in this office.
S. Mandaguit
Clerk, Third Circuit Court, State of Hawaii

It is adjudged that the Defendant has been convicted and is guilty as stated above.

IT IS THE JUDGMENT AND SENTENCE of the court that the Defendant pay the fine/restitution indicated and is hereby placed on probation for the period stated above, commencing as of the date of this judgment, unless sooner discharged by order of the court, upon condition that the Defendant comply with all of the terms and conditions of probation set forth in the attached document.

IT IS ORDERED that copies of this Judgment be delivered to the Adult Probation Division of this court, that a probation officer of this court take charge of and have supervision of the Defendant and instruct the Defendant regarding the terms and conditions of probation, and that the probation officer furnish the Defendant a copy of this Judgment.

IT IS FURTHER ORDERED that bail conditions be canceled.

DATE SIGNED	JUDGE	SIGNATURE
FEBRUARY 10, 2010	RONALD IBARRA	

THIRD CIRCUIT COURT SEAL STATE OF HAWAII

NOTICE OF ENTRY

THIS JUDGMENT HAS BE ENTERED AND COPIES MAILED OR DELIVERED TO ALL PARTIES

DATE	CLERK
FEB 10 2010	Nicole K Loo NICOLE K. LOO

CIRCUIT COURT, THIRD CIRCUIT
FILED
AT 5:40 O'CLOCK P. M.
FEB 10 2010 20
Nicole K. Loo
Nicole K. Loo Clerk

DISTRIBUTION: _X_ORIG. FILE _X_PROS _X_DEF _X_APD _X_POLICE HCCC/FISCAL/ P. Bresciani

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	TERMS AND CONDITIONS OF PROBATION	CASE NUMBER CR NO. 09-1-313K

TO: DEFENDANT

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 must not commit another federal or state crime during the term of probation;

2. You must report to a probation officer as directed by the court or the probation officer;

3. You must remain within the jurisdiction of the court unless granted permission to leave by the court or a probation officer;

4. You must notify a probation officer prior to any change in address or employment;

5. You must notify a probation officer promptly if arrested or questioned by a law enforcement officer; and

6. You must permit a probation officer to visit you at your home or elsewhere as specified by the court.

7. Your further special conditions of probation are as follows:

   A. Follow all reasonable instructions which are given to you by your probation officer.

SEE ATTACHED SHEET

NOTE: IF YOUR WHEREABOUTS BECOME UNKNOWN TO YOUR PROBATION OFFICER BECAUSE OF YOUR FAILURE TO KEEP HIM INFORMED, THE COURT MAY ORDER YOUR ARREST. ANY FAILURE BY YOU TO COMPLY WITH ALL OF THE TERMS AND CONDITIONS OF PROBATION WILL MEAN THAT THE COURT CAN REVOKE YOUR PROBATION AND SENTENCE YOU TO PRISON, OR CHANGE OR ADD TO THE TERMS OF PROBATION. YOU ARE FURTHER INFORMED THAT PER HRS 134-7, YOU ARE PROHIBITED FROM OWNING OR POSSESSING ANY FIREARM OR AMMUNITION.

THE FOREGOING 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	WITNESSED BY
2/10/10		INTERPRETED BY (PROBATION OFFICER)

Cr. No. 09-1-313K

STATE OF HAWAII vs. JUSTIN PASAMONTE
TERMS AND CONDITIONS OF JUDGMENT PROBATION

YOU SHALL:

1. Follow all reasonable instructions given to you by your probation officer.
2. Be committed to the custody of the Director of the Department of Public Safety for a period of incarceration of:
   a. EIGHTEEN (18) MONTHS in Count 1 and 2; TWELVE (12) MONTHS in Count 3 and 4. Said terms shall run concurrent with each other. Mittimus effective February 24, 2010, 12:00 p.m.
3. Pay a Crime Victim's Compensation Fund Fee in the amount of $ 620.00 total amount . ($205.00 for each B-Felony offense, counts 1 and 2)($105.00 for each C-Felony offense, counts 3 and 4).
4. Pay a probation services fee in the amount of $ 150.00 .
5. Pay $32.65 to the DNA registry special fund.
6. Pay the crime victim compensation fee, probation services fee, and DNA assessment fee at the rate of at least $50.00 per month. Payments shall be applied in the same order they are listed. First payment shall be made within sixty (60) days after release from jail.
7. 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.
8. 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.
9. Not contact or attempt to contact, directly or indirectly, the victim: _ or any other party significantly related to the victim

   (NOTE: This does not include contact through your attorney or probation officer for legal or civil matters or for fulfillment of other

required conditions of probation.)

10. Not threaten, annoy, alarm, harm, harass or any other party significantly related to her.
11. You are ordered to appear for all scheduled hearings and/or comply with the notice to appear.
12. 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.
13. 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.
14. 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, 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.
15. 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.
16. Abide by any curfew, travel and leisure time restrictions imposed by your probation officer.
17. Refrain from hitchhiking and picking up hitchhikers.
18. 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, except your immediate family.

19. Remain away from schools, playgrounds, theaters or other locations where unsupervised minors congregate.
20. Obtain and maintain a residence as approved by your probation officer.
21. Provide photograph and/or fingerprints pursuant to law.
22. Pay for and submit to polygraph examinations at your own expense as directed by your sex offender therapist and your probation officer.
23. Submit to pleythysmograph examinations at your own expense in accordance with your ability to pay and as directed by your sex offender therapist and your probation officer.
24. 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.
25. Report to the Hawaii County Police Department and submit a blood sample for DNA testing.
26. Register as a sex offender with the Chief of Police of the Hawaii County Police Department.
27. Inform your employer of the offense as required by sex offender treatment and as directed by your probation officer.
28. 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.
29. Write a letter of apology to victim: within thirty (30) days of the date of this order, and submit it to your probation officer and sex offender treatment counselor who will forward the letter if it is appropriate. A copy of the letter shall also be forwarded to the Court.
30. Pay reasonable counseling fees in the event attends counseling.
31. You shall submit to a search of your person and/or property upon reasonable suspicion of your probation officer that you are in violation of a term and/or condition of your probation.

32. Sign a Waiver of Extradition.

33. 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 cancelled.

34. Contact the Adult Probation Department no later than **TWO (2) business days** from today to schedule your first appointment with a probation officer.