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ORIGINAL

| STATE OF HAWAII<br>CIRCUIT COURT OF THE THIRD CIRCUIT | JUDGMENT<br>OF CONVICTION AND PROBATION SENTENCE | CASE NUMBER:<br>Cr. No. 06-1-529 |
|---|---|---|
| STATE VS. (DEFENDANT)<br>**BRUCE BAKER** | DATE OF HEARING:<br>April 5, 2007<br>[redacted] | REPORT NUMBER(S):<br>H79626/SK |
| Defense Counsel: Michael Ebesugawa, Esq. | | |

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| **DEFENDANT'S PLEA:**<br>GUILTY | TRIAL:<br>CHANGE OF PLEA |
| ORIGINAL CHARGE(S):<br>COUNTS 1, 2, 3, & 4: SEXUAL ASSAULT IN THE THIRD DEGREE (§707-732(1)(b), H.R.S.)<br>COUNT 2: CONTINUOUS SEXUAL ASSAULT OF A MINOR UNDER THE AGE OF FOURTEEN YEARS (§707-733.5, H.R.S.) | CHARGE(S) TO WHICH DEFENDANT PLED:<br>COUNTS 1, 2, 3, & 4: SEXUAL ASSAULT IN THE THIRD DEGREE (§707-732(1)(b), H.R.S.) |

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| DEFENDANT IS CONVICTED AND FOUND GUILTY OF:<br>COUNTS 1, 2, 3, & 4: SEXUAL ASSAULT IN THE THIRD DEGREE (§707-732(1)(b), H.R.S.) | PHOTOGRAPH<br>(If Available) | FINGERPRINT<br>(If Available) |

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

SEE ATTACHMENT (TERMS AND CONDITIONS OF PROBATION)

**CRIME VICTIM COMPENSATION FEE** $420.00

**PROBATION SERVICES FEE:** $150.00

**PROBATION:**
TEN (10) YEARS

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 | |
|---|---|---|
| APR 05 2007 | GLENN S. HARA<br>SIGNATURE | FILED<br>2007 APR -5 PM 4:35<br>E. YAMADA, CLERK<br>THIRD CIRCUIT COURT<br>STATE OF HAWAII |

**NOTICE OF ENTRY**

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

| DATE | CLERK |
|---|---|
| APR 05 2007 | J. KAWAKAMI |

[ ] ORIGINAL FILE [x] DPA [x] DEFENSE-Michael Ebesugawa, Esq. [x] PROBATION [x]POLICE [ ] HCJDC [ ] PUBLIC SAFETY [X] COUNTY CLERKS [x] FISCAL

| STATE OF HAWAII<br>CIRCUIT COURT OF THE THIRD CIRCUIT | TERMS AND CONDITIONS OF PROBATION | CASE NUMBER:<br>Cr. No. 06-1-529 |
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ORIGINAL

**TO: DEFENDANT, BRUCE BAKER**

**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 |
|---|---|---|
| 5/1/07 | | |

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SPECIAL TERMS AND CONDITIONS OF PROBATION continued:

C. You shall serve a term of imprisonment of one year. Mittimus stayed.

D. You shall obtain and maintain verifiable, full time work or attend educational/vocational training as approved by your probation officer throughout the period of probation.

D. You shall pay a crime victim compensation fee in the amount of $420.00 ($105.00 for each offense).

E. You shall pay a probation services fee in the amount of $150.00.

F. You shall pay a DNA assessment fee in the amount of $500.00, or the actual cost, if less.

G. You shall pay the crime victim compensation fee, probation services fee, and DNA assessment fee at the rate of at least $25.00 per month. Payments shall be applied in the same order as they are listed. Any reduction in the amount or manner of payments must first be approved by the Court.

H. You shall pay the crime victim compensation fee and DNA monetary assessment at the rate of at least $20.00 per month. Payments shall be applied in the same order as they are listed. Any modification in the amount of payments must be approved by the Court.

I. You shall not use, possess or consume any alcohol, illegal/unprescribed drugs, including hemp products and marijuana, or drug paraphernalia.

J. You shall not associate with drug users or be in the vicinity where illegal drugs, including marijuana, are being used.

K. You shall 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, but at no less than $5.00 per test. A positive finding or a failure to provide a specimen within two hours of the instruction may be considered prima facie evidence of probation violation.

L. You shall appear at 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.

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SPECIAL TERMS AND CONDITIONS OF PROBATION continued:

M. You shall submit to a drug/alcohol assessment at your own expense as directed by your probation officer.

N. You shall obtain and maintain drug/alcohol treatment as directed by your probation officer until clinically discharged with the concurrence of your probation officer. You shall be responsible for the payment for such treatment.

O. You shall sign a Waiver of Extradition.

P. You shall comply with any active Restraining Order.

Q. You shall comply with the service plan by the Child Welfare Services.

R. You shall appear at all Proof of Compliance hearings scheduled by the Court and/or your probation officer. You are ordered to appear for all scheduled hearings and/or comply with the notice to appear.

S. You shall sign a Waiver of Confidentiality form to allow your probation officer to monitor your compliance with drug/alcohol treatment and sex offender treatment.

T. You shall attend and participate in case conferences with the Adult Probation Services and Child Welfare Services to discuss your compliance with he probation conditions and Family Court Services orders. Your probation officer shall notify you of the date, time and place for such conferences. You shall appear for the conferences. If you fail to appear at the conference, you are ordered to appear at a Proof of compliance hearing in Circuit Court, on the date and time indicated on the notice to appear that shall be given to you by your probation officer.

U. You shall 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. You shall participate satisfactorily in the Hawaii Sex Offender Treatment Program (HSOTP) with the provision that you will 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. Written quarterly reports are to be submitted to your probation officer by your therapist. If your probation officer deems that you are not able to pay, then you shall participate in treatment with a Judiciary contracted therapist with payment to be made in accordance with the Adult Probation Services payment formula.

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SPECIAL TERMS AND CONDITIONS OF PROBATION continued:

W. You shall 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.

X. You shall abide by any curfew, travel and leisure time restrictions imposed by your probation officer.

Y. You shall refrain from hitchhiking and picking up hitchhikers.

Z. You shall 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.

AA You shall obtain and maintain residence as approved by your probation officer.

AB. You shall provide photographs and/or fingerprints as required for processing.

AC. You shall pay for and submit to electronic monitoring as deemed appropriate by your probation officer.

AD. You shall submit to polygraph examinations at your own expense as directed by your sex offender therapist and your probation officer.

AE. You shall submit to plethysmograph examinations at your own expense as directed by your sex offender therapist and your probation officer.

AF. You shall obtain a psychosexual evaluation at your own expense as directed by your sex offender therapist and your probation officer.

AG. You shall report to the Hawaii County Police Department and 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.

AH. You shall register as a sex offender with the Chief of Police of the Hawaii County Police Department within thirty days of sentencing.

AI. You shall inform your employer of the offense as directed by your probation officer.

AJ. You shall sign the terms and conditions of probation within one week of being notified that they are ready for your signature. Upon verification that the terms and conditions of probation have been executed, bail shall be refunded to the poster.