

STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT		JUDGMENT OF CONVICTION AND PROBATION SENTENCE NOTICE OF ENTRY		CASE NUMBER: Cr. No. 07-1-2039	
STATE VS. (DEFENDANT) MARC P.C. FOSSORIER,			DATE OF HEARING: MARCH 5, 2008		REPORT NUMBER(S): AG NO. 07-18149
Defense Counsel: VICTOR J. BAKKE, ESQ.					
DEFENDANT'S PLEA: GUILTY			CHANGE OF PLEA		
ORIGINAL CHARGE(S): ELECTRONIC ENTICEMENT OF A CHILD IN THE 1ST DEGREE (§707-756, H.R.S.)			CHARGE(S) TO WHICH DEFENDANT PLED: ELECTRONIC ENTICEMENT OF A CHILD IN THE 1ST DEGREE (§707-756, H.R.S.)		
DEFENDANT IS CONVICTED AND FOUND GUILTY OF: ELECTRONIC ENTICEMENT OF A CHILD IN THE 1ST DEGREE (§707-756, H.R.S.)			PHOTOGRAPH (If Available)		FINGERPRINT (If Available)
FINAL JUDGMENT AND SENTENCE OF THE COURT: PROBATION (HOPE): FIVE (5) YEARS DEFENDANT TO BE GIVEN CREDIT FOR TIME ALREADY SERVED. MITTIMUS STAYED UNTIL MARCH 06, 2008, 10:00 A.M. SEE ATTACHMENT (TERMS AND CONDITIONS OF PROBATION) Defendant shall provide specimen samples and print impressions as required by H.R.S. Chap. 844D					
DATE MARCH 5, 2008		JUDGE DERRICK H. M. CHAN		 FIRST CIRCUIT COURT STATE OF HAWAII FILED March 05, 2008 10:15 am Clerk, 23rd Division	
		SIGNATURE <i>Derrick H. M. Chan</i>			
NOTICE OF ENTRY					
THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL					
DATE MARCH 5, 2008		CLERK M. CASTILLO <i>M. Castillo</i>		I certify that this is a full, true and correct copy of the original on file in this Court, First Circuit	

TO: DEFENDANT, MARC P.C. FOSSORIER, AKA "PEILE44", "MARK", "STEVE"

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 Client Services
777 Punchbowl Street
Honolulu, Hawaii 96813
(808) 539-4500;
3. You shall not leave the island of O'ahu 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

Cr. No. 07-1-2039

State of Hawaii vs. MARC P.C. FOSSORIER, AKA "PEILE44", "MARK", "STEVE"

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. 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;
- D. Pay a monetary assessment of \$500.00 or the actual cost of the DNA analysis, whichever is less to the DNA registry special fund;
- E. Serve a term of imprisonment of one (1) year, with credit for time served of one (1) day. Mittimus is effective on March 6, 2008, 10:00 a.m.;
- F. Work full time or attend educational/vocational training as approved by your probation officer throughout the period of probation;
- G. Pay to the crime victim compensation fund \$105.00; payment to be made forthwith;
- H. Pay a probation services fee in the amount of \$150.00; payment to be made forthwith;
- I. Not possess, use, or consume any alcohol, unprescribed or illegal drug nor possess any drug-related paraphernalia;
- J. Submit to urinalysis or other similar assessment tests at your own expense as directed by your probation officer. **A positive finding or a failure to provide a specimen within two hours of instruction may be considered prima facie evidence of probation violation;**

7. Special Conditions Of Probation

- K. Submit to drug/alcohol assessment at your own expense as directed by your probation officer;
- L. 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;
- M. Submit at reasonable times to a search of your person, residence, vehicle, or other sites and property under your control by any probation officer, with or without a warrant, based on reasonable suspicion that illicit substance(s) or other contraband may be in the place(s) of a search. Any illicit substance(s) or contraband found or observed in such a search may be seized;
- N. Obtain and maintain mental health treatment or services, including anger management treatment or services, domestic violence intervention, medication and/or tests if ordered, 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;
- O. Sign a Waiver of Extradition;
- P. As determined by your probation officer, participate in and complete service plan(s) in relation to your Level of Service Inventory - Revised and other assessment results on emotional/personal issues, attitude orientation, low self control, drugs and/or alcohol dependence, companions and family/marital relationships;
- Q. 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. Monthly 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 Client Services payment formula;

7. Special Conditions Of Probation

- R. 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;
- S. Not access the Internet, or in the alternative, defendant must provide to his probation officer any and all electronic mail address, instant messaging, chat, social networking site screen names, or other Internet communication names or identities information that the defendant uses or intends to use while accessing the Internet. Defendant shall also notice his probation officer, in advance and in writing when he plans to access the Internet, what sites he intends to visit, and the purpose for such access. Failure to follow these Internet restrictions shall constitute a violation of a substantial term and condition of defendant's probation;
- T. Abide by any curfew, travel, and leisure time restrictions imposed by your probation officer;
- U. Refrain from hitchhiking and picking up hitchhikers;
- V. 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;
- W. Obtain and maintain a residence as approved by your probation officer; and
- X. Pay for and submit to electronic monitoring as deemed appropriate by your probation officer.