

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	JUDGMENT GUILTY CONVICTION AND SENTENCE	CASE NUMBER CR. NO. 11-1-174K
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NOTICE OF ENTRY

STATE OF HAWAII vs. KAPENA M. NAAUAO-KIPAPA	<input checked="" type="checkbox"/> JURY VERDICT <input type="checkbox"/> JUDGE FINDINGS	POLICE REPORT NO(S). C10030623/KN; C10030633/KN
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ORIGINAL CHARGE(S) COUNT 1-SEXUAL ASSAULT IN THE SECOND DEGREE; COUNT 2-SEXUAL ASSAULT IN THE SECOND DEGREE	CHARGE(S) TO WHICH DEFENDANT PLEAD COUNT 1-SEXUAL ASSAULT IN THE SECOND DEGREE, in violation of §707-731(1)(a) HRS as amended; COUNT 2-SEXUAL ASSAULT IN THE SECOND DEGREE, in violation of §707-731(1)(a) HRS as amended
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DEFENDANT IS CONVICTED AND FOUND GUILTY OF SAME CHARGE(S) TO WHICH DEFENDANT PLEAD

JUDGMENT AND SENTENCE OF THE COURT: PROBATION for a term of FIVE (5) YEAR(S).

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 is hereby placed on probation for the period stated above, commencing as of the date of this judgment and 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.

Bail conditions are canceled.

DATE April 02, 2012		
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The foregoing terms and conditions of probation and those attached to this order have been explained to me and I fully understand them and agree to abide by them in every way. I have received a copy of these terms and conditions.

DATE April 02, 2012	DEFENDANT 	WITNESS SIGNATURE <input type="checkbox"/> CLERK <input type="checkbox"/> ATTORNEY FOR DEFENDANT <input type="checkbox"/> PROBATION OFFICER
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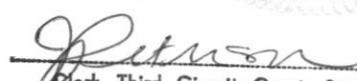
NOTICE OF ENTRY

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

DATE April 02, 2012	
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Distribution: Orig File; Pros; Def.; (W. Dewese); (PS copies); Police; HCCC/OCCG; Trial

correct copy of the original on file in this office


Clerk, Third Circuit Court, State of Hawaii

L. M. OKA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

2012 APR -9 AM 10:00
16:5

FILED

CR. No. 11-1-174K

State of Hawaii vs. Kapena Naauao-Kipapa

A. Standard Conditions

YOU MUST:

- A. Obey all laws and not commit any criminal offense under the laws of the State of Hawaii or any of its counties or any other jurisdiction.
- B. Report to a probation officer as directed by the Court or by your probation officer.
- C. Notify a probation officer ____ within 48 hours of (**DEFERRAL**) X prior to (**PROBATION**) any change in address or employment.
- D. Not leave the Island of Hawaii at any time without first obtaining permission from the Court or your probation officer.
- E. Permit your probation officer at all reasonable times to visit your home or elsewhere as specified by the Court.
- F. Notify a probation officer promptly if arrested or questioned by a law enforcement officer.

B. Special Conditions of 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:
 - 1. **EIGHTEEN (18) MONTHS**, with credit for time served. Mittimus to Issue FORTHWITH.

SUBSTANCE ABUSE AND/OR ALCOHOL CONDITIONS

- 3. Not possess, use or consume any intoxicants, or be in bars or other places where alcohol is the primary item of sale or consumption;

4. Submit to urinalysis or other similar assessments, as directed by your probation officer, at your own expense 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/deferral violation.

FINES/FEES/ASSESSMENTS

5. Pay a Crime Victim's Compensation Fund Fee in the amount of \$ 210.00. (\$105-\$505 for felony/\$55 for Misd/\$30 for PM).
6. Pay a probation services fee in the amount of \$ 150.00. (150/\$75).
7. 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.
8. Make minimum monthly payments in the amount of \$20.00 to begin 90 days after release from custody.

(NOTE: Payments shall be applied in the same order as they are listed.)

9. Bail posted by someone other than the defendant shall be returned to the poster. Bail posted by the defendant shall be applied to fees imposed in this judgment/order. Any remaining balance after the assessments have been paid shall be refunded.

OTHER

10. Obtain 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/deferral, except as precluded by: incarceration or a bona fide inability to find or maintain work. You shall however, not undertake any employment as a lifeguard, instructor, or any position of authority that involves

the safety of others, absent permission from your probation officer in consultation with your sex offender treatment counselor.

11. 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.
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 contact or attempt to contact, directly or indirectly, the victim(s): _____
or any other party significantly related to them.
(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.)
14. Not threaten, annoy, alarm, harm, harass_
or any other party significantly related to them.
15. Sign Waiver of Confidentiality form(s) to allow your probation officer to monitor your compliance with any other treatment required by the terms and conditions of your probation and your probation officer or the court.
16. Abide by any curfew, travel, and leisure time restrictions imposed by your probation officer.
17. Write letters of apology to victim(s): _
within thirty (30) days of the date of this order, and submit it/them to your probation officer who will forward the letter(s) if appropriate.
18. Appear for all scheduled hearings and/or comply with the notice to appear issued by the Court or your probation officer.
19. Participate with your probation officer in the development and fulfillment of case plan(s) as it relates to assessment results.

SEX OFFENDER CONDITIONS:

20. Successfully participate in the Judiciary approved 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 or deems you to be 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. You shall enter said program immediately upon your release from custody subject to space availability and remain in the program to clinical discharge.
21. 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.
22. Abide by any curfew, travel and leisure time restrictions imposed by your probation officer.
23. Refrain from hitchhiking and picking up hitchhikers.
24. 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, unless approved by your probation officer in consultations with your sex offender treatment counselor.
25. Remain away from schools, playgrounds, theaters or other locations where unsupervised minors congregate, unless approved by your probation officer in consultation with your sex offender treatment counselor.
26. Obtain and maintain a residence as approved by your probation officer.
27. Pay for and submit to polygraph examinations at your own expense as directed by your sex offender therapist and your probation officer.
28. Submit to plethysmograph examinations at your own expense in accordance with your ability to pay and as directed by your sex offender therapist and your probation officer.

29. 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.
30. Report to the Hawaii County Police Department and submit a blood sample for DNA testing.
31. Register as a sex offender with the Chief of Police of the Hawaii County Police Department.
32. Inform your employer of the offense as required by sex offender treatment and as directed by your probation officer.
33. Sign the terms and conditions of probation.
34. Sign a Waiver of Extradition.
35. Contact the Adult Probation Department at 808-443-2191 no later than **TWO (2) business days** of sentencing to schedule your first appointment with a probation officer.

CONSEQUENCES

- A. If your whereabouts become unknown to your probation officer because of your failure to keep him or her informed, the court may order your arrest.
- B. Any failure by you to comply with any of the terms and conditions will mean that the court can:
 accept your guilty/no contest plea and adjudge you guilty
 revoke your probation; and
sentence you to prison or different or additional terms of probation.
- C. You are further informed that per H.R.S. § 134-7, you are prohibited from owning or possessing any firearm or ammunition.