ORIGINAL

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STATE OF HAWAII FAMILY COURT OF THE THIRD CIRCUIT	**JUDGMENT** OF CONVICTION AND PROBATION SENTENCE NOTICE OF ENTRY	CASE NUMBER FC-CR. NO. 09-1-134K

STATE OF HAWAII vs. (DEFENDANT)

EDWARD S. SALMO

POLICE REPORT NO.
C09 /SK; C07028948/SK;
C09 /SK; C07028948/SK;
C09 /SK; C07028948/SK;
C09 /SK; C07028948/SK;
C09 /SK; C07028948/SK;
C09 /SK; C07028948/SK;
C09 /SK; C07028948/SK;
C09 /SK; C07028948/SK

DEFENDANT'S PLEA (June 18, 2009)
__X__GUILTY ____NOT GUILTY ____NO CONTEST

____JURY VERDICT __X__JUDGE FINDINGS

ORIGINAL CHARGE(S)

COUNTS 1, 2, 3, 4, 5, 6, 7, 8-SEXUAL ASSAULT IN THE THIRD DEGREE

CHARGE TO WHICH DEFENDANT PLEAD
COUNTS 1, 2, 3, 4, 5, 6, 7, 8-SEXUAL ASSAULT IN THE THIRD DEGREE, in violation of Section 707-732(1)(b), HRS, as amended

DEFENDANT IS CONVICTED AND FOUND GUILTY OF
COUNTS 1, 2, 3, 4, 5, 6, 7, 8-SEXUAL ASSAULT IN THE THIRD DEGREE

JUDGMENT AND SENTENCE OF THE COURT: PROBATION

TERM TEN (10) YEARS (concurrent)

FINE

SPECIAL CONDITIONS

____RESTITUTION

__X__JAIL

____COMMUNITY SERVICE

__X__ OTHER (SEE ATTACHED TERMS AND CONDITIONS OF PROBATION)

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
August 20, 2009	RONALD IBARRA	

NOTICE OF ENTRY

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

DATE	CLERK
August 20, 2009	Norine Lauro NORINE LAURO

FILED
2009 AUG 25 PM 2:13
C. GANDALIRA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

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

DISTRIBUTION: __X__ORIG. FILE __X__PROS __X__DEF __X__APD __X__POLICE HCCC/FISCAL/P. Gregg

STATE OF HAWAII FAMILY COURT OF THE THIRD CIRCUIT	**TERMS AND CONDITIONS OF PROBATION** (JUDGMENT PROBATION)	CASE NUMBER FC-CR NO. 09-1-134K

TO: DEFENDANT EDWARD S. SALMO

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
Aug. 20. 2009		INTERPRETED BY (PROBATION OFFICER)

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STATE OF HAWAII vs. EDWARD S. SALMO
TERMS AND CONDITIONS OF PROBATION (Page 3 of 7)

SPECIAL CONDITIONS:

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. **Twelve (12) months**, that you serve a minimum of 30 days each year to be completed within 10 years from August 20, 2009.
3. Perform **300** hours of community service.
    a. You shall perform at least 150 hours, 5 years from August 20, 2009.
4. Obtain a mental health 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. You shall obtain the assessment within thirty (30) days of the date of this order.
5. Pay a Crime Victim's Compensation Fund Fee in the amount of $ 105.00 for each conviction for a total of $ 840.00.
6. Pay a probation services fee in the amount of $ 150.00 .

7. Pay a monetary assessment of $32.65 which is 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. **DNA sample was collected by Adult Probation as part of the pre-sentence investigation process.**

8. 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.

9. Support your dependents and meet other family responsibilities. (Pursuant to H.R.S. § 706-624(2)(c)).

10. 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.

11. Not contact or attempt to contact, directly or indirectly, except through permission from your probation officer.

12. Not threaten, annoy, alarm, harm, harass or any other party significantly related to her.

13. Sign Waiver of Confidentiality form(s) to allow your probation officer to monitor your compliance with drug/alcohol treatment, mental health treatment and any other treatment required by the terms and conditions of your probation and your probation officer or the court.

14. Attend and participate in case conferences with the Adult Probation Services (APS) and Child Welfare Services (CWS) to discuss your compliance with probation conditions and Family Court Services (FCS) orders. Your probation officer shall notify You of the date, time and place for such conferences and You shall appear for the conferences.

15. Write a letter of apology to victim: within thirty (30) days of the date of this order, and submit it to your probation officer who will forward the letter if its appropriate.

16. Appear for all scheduled hearings and/or comply with the notice to appear issued by the Court or your probation officer.

17. Participate with your probation officer in the development and fulfillment of case plan(s) as it relates to assessment results.

18. 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.

19. Sign a Waiver of Extradition.

20. 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, to clinical discharge. If HSOTP 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.

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.

25. Remain away from schools, playgrounds, theaters or other locations where unsupervised minors congregate.

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. Credit given for assessment already obtained.

30. Report to the Hawaii County Police Department and submit a blood sample for DNA testing, if not done already.

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, provided that your employment would involve having contact, any possible contact with minor children.

33. Contact the Adult Probation Department Supervision Unit no later than **TWO (2) business days** of sentencing to schedule your first appointment with a probation officer.

Period of probation, as well as terms and conditions of probation, to include fees, costs and jail, shall run concurrent with sentence imposed as to all counts.