**Electronically Filed**
**THIRD CIRCUIT**
**3CPC-18-0000053**
**23-OCT-2018**
**02:53 PM**

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

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| STATE OF HAWAII ) | CR. NO. 3CPC-18-53 |
| ) | |
| vs. ) | JUDGMENT OF CONVICTION AND PROBATION SENTENCE; NOTICE OF ENTRY OF JUDGMENT |
| ) | |
| KEITH KAPENA HULIHEE SR., ) | |
| ) | |
| ) | JUDGE: [redacted] |
| Defendant. ) | Sentencing Date: OCTOBER 22, 2018 |
| ) | |

## JUDGMENT OF CONVICTION AND PROBATION SENTENCE

Defendant's Plea: ☒ Guilty ☐ Not Guilty ☐ No Contest Date: 9/4/18
☒ Judge Findings ☐ Jury Verdict

**ORIGINAL CHARGE(S):**

CT. 1 - SEXUAL ASSAULT in the SECOND DEGREE, in violation of section 707-731(1)(a), HRS, as amended

CT. 2 - SEXUAL ASSAULT in the FOURTH DEGREE, in violation of section 707-733(1)(a), HRS, as amended

**CHARGE(S) TO WHICH DEFENDANT PLEAD:**

| Count | Report No. | Current Charge/Violation Code |
|---|---|---|
| 01 | C17036065/PN | SEXUAL ASSAULT in the SECOND DEGREE, in violation of section 707-731(1) (a), HRS, as amended |

I do hereby certify that the foregoing is a full, true and correct copy of the official court record of the Courts of the State of Hawai`i.
Dated at: Hilo, Hawai`i 29-JUL-2019, /s/ Lester Oshiro, Clerk of the Third Judicial Circuit, State of Hawai`i

## JUDGMENT AND SENTENCE OF THE COURT

Defendant is convicted and found guilty of charge(s) to which Defendant plead.

Defendant is placed on probation for a period of FIVE (05) year(s). (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 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.

DATED: Hilo, Hawaii OCT 23 2018
Nunc pro tunc to: October 22, 2018.

[redacted]
JUDGE OF THE ABOVE-ENTITLED COURT

## NOTICE OF ENTRY OF JUDGMENT

This Judgment has been entered and copies mailed, delivered and/or sent via electronic notification to all parties.

Dated: OCT 23 2018

Clerk

Conventional Distribution:
☒ Police; ☒ Jail (HCCC); ☒ HISC

In accordance with the Americans with Disabilities Act, if you require an accommodation or assistance, please contact the District Court Administration Office at PHONE NO. (808) 961-7629, FAX (808) 961-7577, or by email to adarequest@courts.hawaii.gov at least ten (10) working days in advance of your hearing or appointment date.

| STATE OF HAWAI`I<br>CIRCUIT COURT OF THE<br>THIRD CIRCUIT | TERMS AND CONDITIONS OF PROBATION | CASE NUMBER:<br>3CPC-18-53 |
|---|---|---|

**DEFENDANT,** **Keith Kapena Hulihee Sr.**

## 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
   777 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 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 | |
|---|---|---|
| | | |

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|---|---|
| | |

**Case No.:** 3CPC-18-53
**State of Hawaii vs.** Keith Kapena Hulihee Sr.

**7. Special Conditions Of Probation**

YOU SHALL:

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

B. Be committed to the custody of the Director of the Department of Public Safety for a period of incarceration of EIGHTEEN (18) MONTHS with credit for time served. Mittimus to issue forthwith.

C. Pay to the crime victim compensation fund in the amount of $205.00.

D. Pay a Probation Services Fee in the amount of $150.00.

E. Make a minimum monthly payments in the amount of $20.00 (NOTE: Payments shall be applied in the same order as they are listed.)

F. Pay a monetary assessment of $32.65 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 case or any other cases unless explicitly provided otherwise by law or order of court.

G. Obtain/maintain legal, verifiable, full-time work or enroll in an educational and/or vocational training program as approved by the probation officer for the duration of your probation.

H. Not own/use/possess any firearms or ammunition. If you have any firearms or ammunition, you must immediately turn them in to the appropriate county police department.

I. 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.

J. Not contact, threaten, harm or harass [redacted]

K. Sign Waiver of Confidentiality forms to allow 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

**7. Special Conditions Of Probation**

probation and your probation officer and the Court.

L. Abide by any curfew, travel, and leisure time restrictions imposed by the probation officer.

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

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

O. 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 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.

P. 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.

Q. Not contact or attempt to contact, directly or indirectly, any minor child, nor reside in the same residence with minor children without the permissionof your probation officer.

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

S. Obtain and maintain a residence as approved by your probation officer.

T. Pay for and submit to polygraph examinations at your own expense in accordance with your ability to pay and as directed by your sex offender therapist and your probation officer.

U. Submit a pleythysmograph examinations at your own expense in accordance with your ability to pay and as directed by your sex offender

**7. Special Conditions Of Probation**

therapist and your probation officer.

V. 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.

W. Register as a sex offender with the Chief of Police of the Hawaii County Police Department.

X. Inform your employer of the offense as required by sex offender treatment and as directed by your probation officer.

Y. Sign the terms and conditions of probation.

Z. Upon completion of the period of probation, the defendant shall be relieved of any obligations imposed by the order of the court and shall have satisfied the disposition of the court except as to any action to collect unpaid fines, restitution, attorney's fees, costs, or interest (HRS 706-630); thereby, is restored to such rights deprived pursuant to Section 831-2 of the Hawaii Revised Statutes.

AA. (For CURFEW) Pursuant to Hawaii Revised Statutes Section 706-624(o) you shall comply with curfew as instructed by your probation officer. During your curfew, you shall not leave your place of residence without the prior written approval of your probation officer or as directed by your probation officer. Curfew may be monitored through electronic monitoring, with the approval of your probation officer.