ORIGINAL

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	JUDGMENT GUILTY CONVICTION AND PROBATION SENTENCE NOTICE OF ENTRY	CASE NUMBER CR. NO. 00-1-39

STATE OF HAWAII VS (DEFENDANT)
BEN LEHI BALDADO

POLICE REPORT NUMBER
G-16981/KU
G-17072/KU
G-17073/KU
G-17074/KU

DEFENDANT'S PLEA

☒ GUILTY ☐ NOT GUILTY ☐ NO CONTEST ☐ JURY VERDICT ☒ JUDGE FINDINGS

ORIGINAL CHARGE
CTS. I, II, III, & IV: SEXUAL ASSAULT IN THE FIRST DEGREE

CHARGE TO WHICH DEFENDANT PLEAD
CTS. I, II, III, & IV: SEXUAL ASSAULT IN THE SECOND DEGREE (lesser included offense)

DEFENDANT IS CONVICTED AND FOUND GUILTY OF
CTS. I, II, III, & IV: SEXUAL ASSAULT IN THE SECOND DEGREE (lesser included offense)

JUDGMENT AND SENTENCE OF THE COURT: PROBATION

TERM FIVE YEARS

FINE

SPECIAL CONDITIONS:

☐ RESTITUTION

☒ JAIL

☐ COMMUNITY SERVICE

☒ OTHER -- see 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 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.

DATE SIGNED
MAR 15 2001
nunc pro tunc
to 3-13-2001

JUDGE
RIKI MAY AMANO

SIGNATURE

THIRD CIRCUIT COURT SEAL STATE OF HAWAII

NOTICE OF ENTRY

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

DATE
MAR 15 2001
nunc pro tunc
to 3-13-01

CLERK
Sue S. Kawakami

THIRD CIRCUIT COURT SEAL STATE OF HAWAII

B. McRAE, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

FILED
2001 MAR 15 AM 10:52

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x County Clerks

FORM NO. 000106 3/84

3C-P-249 **JUDGMENT** (GUILTY CONVICTION AND PROBATION SENTENCE)

ORIGINAL

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	TERMS AND CONDITIONS OF PROBATION	CASE NUMBER CR. NO. 00-1-39

TO: DEFENDANT

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;

B. You shall 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. You shall serve a term of imprisonment of one year with credit for time already served, with release for verifiable work. You shall inform your probation officer how much of your gross pay earned during work release will be contributed to your family.

(continued on Attachment I)

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
4/20/01		INTERPRETED BY (PROBATION OFFICER) Darlene J. Bento

DISTRIBUTION ☐ ORIG FILE, ☐ PROS, ☐ DEF, ☐ APD (3 CY), ☐ POLICE, ☐ DIVISION, ☐ JAIL (IF NEC)

ATTACHMENT II
CR. NO. 00-1-351

SPECIAL CONDITIONS continued:

D. You shall obtain and maintain verifiable full time work or a combination of work, education, or vocational training equivalent to a full time basis as approved by your probation officer throughout the period of your probation.

E. You shall pay a Crime Victim Compensation Fee of $500.

F. You shall pay a Probation Services fee in the amount of $150.

G. You shall pay the Crime Victim Compensation Fee and the Probation Services Fee at the rate of at least $100 per month commencing sixty days of your release from jail. Payments shall be applied in the same order as they are listed. Any modifications in the manner of payments must be approved by the Court.

H. You shall not possess, use or consume any alcohol, unprescribed or illegal drug or possess any drug-related paraphernalia.

I. 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, at no less than $5 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.

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

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

L. You shall appear for all compliance hearings as scheduled by the Court with the first hearing to be set on September 4, 2001 at 1:00 p.m.

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

(continued on Attachment II)

ATTACHMENT II
CR. NO. 00-1-39

SPECIAL CONDITIONS continued:

N. 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 the probation officer deems that you're 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 payment formula.

O. You shall not purchase, possess, or access 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.

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

Q. You shall not hitchhike or pick up any hitchhikers.

R. 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.

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

T. You shall provide photograph and or fingerprints.

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

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

W. You shall report to the Hawaii County Police Department and submit to a blood/saliva sample for DNA testing.

X. You shall register as a sex offender with the Chief of Police of the Hawaii County Police Department.

Y. You shall sign the terms and conditions of probation.