ORIGINAL

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	JUDGMENT OF CONVICTION AND PROBATION SENTENCE	CASE NUMBER: Cr. No. 09-1-151K

STATE VS. (DEFENDANT) **KAALEI HASHIMOTO** Social Security Number:	DATE OF HEARING: 9/23/2009 SID: A6023450 DOB:	REPORT NUMBER(S): C08005410/KU
Defense Counsel: STANTON OSHIRO		

DEFENDANT'S PLEA: GUILTY	TRIAL: CHANGE OF PLEA
ORIGINAL CHARGE(S): SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(c), H.R.S.)	**CHARGE(S) TO WHICH DEFENDANT PLED:** SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(c), H.R.S.)

DEFENDANT IS CONVICTED AND FOUND GUILTY OF: SEXUAL ASSAULT IN THE 3RD DEGREE (§707-732(1)(c), H.R.S.)	PHOTOGRAPH (If Available)	FINGERPRINT (If Available)

FINAL JUDGMENT AND SENTENCE OF THE COURT:

SEE ATTACHMENT (TERMS AND CONDITIONS OF PROBATION)

CRIME VICTIM COMPENSATION FEE: $105.00

PROBATION:
FIVE (5) YEARS

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

DATE SEP 2 8 2009 nunc pro tunc to 9/23/2009	JUDGE GREG K. NAKAMURA SIGNATURE

NOTICE OF ENTRY

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

DATE SEP 2 8 2009	CLERK J. NAKAMURA

FILED
2009 SEP 28 AM 11:03
L. GLASGOW, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

X ORIGINAL FILE X DPA X DEFENSE-STANTON OSHIRO X PROBATION X POLICE [ ] HCJDC [ ] PUBLIC SAFETY [ ] HPA X CASHIERS

STATE OF HAWAI ORIGINAL TERMS AND CONDITI S CIRCUIT COURT OF T E PROBATION THIRD CIRCUIT	CASE NUMBER: **Cr. No. 09-1-151K**

TO: DEFENDANT, KAALEI HASHIMOTO

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, Room A30
   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 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
12-08-09	Kaalei Hashimoto	

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7. Special Conditions Of Probation

YOU SHALL:

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

B. Obtain a substance abuse assessment as directed by your probation officer. You must pay for the assessment 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;

C. Not own, use, possess, or consume any illegal and/or unprescribed drugs or hemp products, including marijuana, or possess any drug related paraphernalia;

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

E. Submit to urinalysis or other similar assessments 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 violation;

F. Not associate with persons known or reputed to be users of illegal and/or unprescribed drugs, including marijuana, or be in the vicinity where those substances are present, unless specifically approved by your probation officer in accordance with your employment or counseling conditions;

G. Pay a probation services fee in the amount of $150.00 in full one month from the date of sentencing;

H. Pay a monetary assessment of $500 or the actual cost of the DNA analysis, whichever is less, to the DNA registry special fund in full one month from the date of sentencing. 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;

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7. Special Conditions Of Probation

I. 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;

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

K. 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;

L. 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;

M. 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;

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

O. Not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court;

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. Abide by any curfew, travel and leisure time restrictions imposed by your probation officer;

R. Refrain from hitchhiking and picking up hitchhikers;

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

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

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7. Special Conditions Of Probation

U. Report to the Hawaii County Police Department and submit a blood sample for DNA testing;

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

W. Sign the terms and conditions of probation;

X. Contact the Adult Probation Department at 777 Kilauea Ave. A30, Hilo immediately to schedule your first appointment with a probation officer;

Y. Pay a Crime Victim Compensation Fee of $105.00 within 90 DAYS of sentencing.