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STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST CIRCUIT	**JUDGMENT** **OF CONVICTION AND PROBATION SENTENCE** NOTICE OF ENTRY	CASE NUMBER **Cr. No. 13-1-1493**

STATE VS. (DEFENDANT) **PAUL KAUKA NAKI IV**	DATE OF HEARING January 3, 2017	REPORT NUMBER(S)
DEFENSE COUNSEL: STEVEN NICHOLS (DPD)		
DEFENDANT'S PLEA: NOT GUILTY	JURY TRIAL	

ORIGINAL CHARGE(S): CT. 1: ATTEMPTED SEXUAL ASSAULT IN THE FIRST DEGREE (§§705-500 and 707-730(1)(b), H.R.S.) CT. 2: KIDNAPPING (§707-720(1)(d), H.R.S.)	CHARGE(S) TO WHICH DEFENDANT PLED:	
DEFENDANT IS CONVICTED AND FOUND GUILTY OF: CT. 1: SEXUAL ASSAULT IN THE THIRD DEGREE (§707-732(1)(b), H.R.S.) CT. 2: KIDNAPPING (§707-720(1)(d), H.R.S.) (class B felony)	PHOTOGRAPH (If Available)	FINGERPRINT (If Available)

FINAL JUDGMENT AND SENTENCE OF THE COURT:

PROBATION: **FOUR (4) YEARS** each in Counts 1 and 2.
To run concurrently in each count and any other term being served.

(REFERRED TO HOPE PROGRAM)

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Rudy Basilio
Clerk, Circuit Court, First Circuit

SEE ATTACHMENT (TERMS AND CONDITIONS OF PROBATION)

Defendant shall provide specimen samples and print impressions as required by H.R.S. Chap. 844D

DATE January 3, 2017	JUDGE **ROM A. TRADER** SIGNATURE	FIRST CIRCUIT COURT STATE OF HAWAII FILED January 3, 2017 12:03 o'clock P.M. P. MUNIZ Clerk, 17th Division

NOTICE OF ENTRY

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

DATE January 3, 2017	CLERK P. MUNIZ

[ ] ORIGINAL-FILE [ ] DPA [ ] DEFENSE [ ] PROBATION [ ] POLICE [ ] HCJDC [ ] PUBLIC SAFETY [ ] HPA [ ] CASHIERS [ ] DIVISION

STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST CIRCUIT	TERMS AND CONDITIONS OF PROBATION	CASE NUMBER Cr. No. 13-1-1493

TO: DEFENDANT PAUL KAUKA NAKI IV

IT IS THE ORDER OF THE COURT THAT, DURING YOUR TERM OF PROBATION, YOU SHALL COMPLY IN ALL RESPECTS WITH THE FOLLOWING MANDATORY TERMS AND CONDITIONS:

1. You shall not commit another federal or state crime or engage in criminal conduct in any foreign jurisdiction or under military jurisdiction that would constitute a crime under Hawaii law 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 Client Services Branch
   777 Punchbowl Street
   Honolulu, Hawaii 96813
   (808) 539-4500;

   or upon release from any term of confinement, you are ordered to schedule an appointment with your probation officer or an Adult Client Services Branch designee within 24 working hours of release or by the next business day;

3. You shall not leave the island of O'ahu 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;

6. You shall permit your probation officer to visit your home and any other places specified by the Court at all reasonable times; and

7. You shall make restitution for losses suffered by the victim(s) if the Court has ordered restitution pursuant to Section 706-646, H.R.S.

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 FOREVER PROHIBITED FROM OWNING OR POSSESSING ANY FIREARM OR AMMUNITION PURSUANT TO HRS §134-7.

THE TERMS AND CONDITIONS OF PROBATION HAVE BEEN EXPLAINED 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

8. SPECIAL CONDITIONS OF PROBATION

YOU SHALL:

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

B. Be **completely honest in all communications** with the probation officer;

C. Not own or possess any **firearms or ammunition**. If you have any firearms or ammunition, you must immediately surrender them to the appropriate county police department;

D. 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;

E. Pay a monetary assessment of $500.00 or the actual cost of the DNA analysis, whichever is less, to the DNA registry special fund;

F. Serve a term of **imprisonment** of **1 year** in Counts 1 and 2, with **credit for time served, mittimus FORTHWITH, concurrent** as to the **instant counts** and **concurrent** with any **other term of imprisonment;**

G. **Work** full time or attend **educational/vocational** training as approved by your probation officer throughout the period of probation except as precluded by verified disability or treatment;

H. Pay a **crime victim compensation fee** of $105.00 each in Counts 1 and 2 for a total of $210.00;

I. Pay a **probation services fee** in the amount of $150.00;

J. Pay an **internet crimes against children fee** in the amount of $100.00 each in Counts 1 and 2 for a total of $200.00**;**

K. Sign a **Waiver of Extradition** and pay all incurred extradition costs to the Department of Finance, State of Hawai'i, upon being extradited to Hawai'i under the Interstate Compact for Adult Offender Supervision or as requested by the Adult Client Services Branch;

8. SPECIAL CONDITIONS OF PROBATION

L. **Pay** the crime victim compensation fee, probation services fee, internet crimes against children fee, DNA assessment, and incurred extradition costs at the rate of at least **$30.00** per month. Payment shall be applied to the foregoing obligations in the same order as they are listed in this paragraph. Any modifications in the manner of payment must be approved by the court;

M. Not possess, use, or consume any **alcohol, unprescribed or illegal drug** nor possess any **drug-related paraphernalia** or be in the presence of anyone using any illegal drugs;

N. Submit to **urinalysis** or other similar assessment tests at your own expense as directed by your probation officer. **Any positive finding(s), a failure to provide a valid specimen within THIRTY (30) MINUTES, the use of a tampering device or a specimen determined to be adulterated or inconsistent with human urine by laboratory testing may be considered prima facie evidence of probation violation**;

O. Submit to **drug/alcohol assessment** at your own expense as directed by your probation officer;

P. Obtain and maintain **substance abuse treatment** as directed by your probation officer until clinically discharged with the concurrence of your probation officer. You shall be responsible for payment for such treatment;

Q. Submit at reasonable times to a **search** of your person, residence, vehicle, or other sites and property under your control by any probation officer, with or without a warrant, based on reasonable suspicion that illicit substance(s) or other contraband (which may include firearms and/or ammunition) may be in the place(s) of a search. Any illicit substance(s) or contraband found or observed in such a search may be seized;

R. Obtain and maintain **mental health treatment** or services, including **medication and/or tests** if ordered, as directed by your probation officer, until clinically discharged with the concurrence of your probation officer. You shall be responsible for payment for such treatment;

S. **Not contact** or attempt to contact, directly or indirectly, the victim, , or any other party significantly related to the victim, without the prior knowledge and authorization of your probation officer;

8. SPECIAL CONDITIONS OF PROBATION

T. As determined by your probation officer, participate in and complete service plan(s) in relation to your **Level of Service Inventory - Revised** and other assessment results on emotional/personal issues, attitude orientation, low self control, drugs and/or alcohol dependence, companions and family/marital relationships;

U. Comply with all **Court Orders** regarding your participation in treatment or services, and prohibiting contact with specified persons except as permitted;

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

W. At probation officer's discretion, you shall attend **AA/NA MEETINGS** or as directed by the probation officer, and provide proof of attendance;

X. Participate satisfactorily in the Hawaii Sex Offender Treatment Program (HSOTP) with the provision that you 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. Monthly progress reports are to be submitted to your probation officer by your therapist. If your probation officer deems you to be financially 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;

Y. Refrain from purchasing or possessing or accessing 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 to you;

Z. Refrain from hitchhiking and picking up hitchhikers;

AA. 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; and

BB. Obtain and maintain residence as approved by your probation officer.

CE[illegible]IFICATE OF PRESENTENCE DET[illegible]TION

HPD

Name of Defendant	Paul Kauka Naki IV	HI SID No.		Date of Sentence	11/29/2016

Cr. No./Count	Police Report #	Length of Detention From	To	No. of Days Detained
13-1-1493				
Ct. 1:		10-05-13	10-07-13	2
Ct. 2:				

I certify that this defendant was detained as indicated above by my Department/Agency as of the date of sentence.

X Chief of Police, Honolulu Police Department

____ Director, Dept. of Public Safety (State of HI)

____ Director, Dept. of Health (State of HI)

____ Other _____

I

CE IFICATE OF PRESENTENCE DET NTION

PUBLIC SAFETY

Name of Defendant **Paul Kauka Naki IV** HI SID No. _____ Date of Sentence **11/29/2016**

Cr. No./Count	Police Report #	Length of Detention From	To	No. of Days Detained
13-1-1493				
Ct. 1:		10-9-13	10-9-13	1
Ct. 2:		↓	↓	↓

I certify that this defendant was detained as indicated above by my Department/Agency as of the date of sentence.

_____ Chief of Police, Honolulu Police Department

_____ Director, Dept. of Public Safety (State of HI)

_____ Director, Dept. of Health (State of HI)

_____ Other _____

DEPARTMENT OF PUBLIC SAFETY
SHERIFF DIVISION
COMMANDER OF RECORDS SECTION
1177 ALAKEA STREET, SUITE 200
HONOLULU, HI 96813

ADULT PROBATION
FIRST CIRCUIT COURT
STATE OF HAWAII
2016 OCT 27 P 2:01

CE[illegible]IFICATE OF PRESENTENCE DE[illegible]NTION

OCCC

Name of Defendant **Paul Kauka Naki IV** HI SID No. _____ Date of Sentence **11/29/2016**

Cr. No./Count	Police Report #	Length of Detention From	To	No. of Days Detained
13-1-1493				
Ct. 1:		10/7/13	2/19/14	136
Ct. 2:		"	"	

I certify that this defendant was detained as indicated above by my Department/Agency as of the date of sentence.

_____ Chief of Police, Honolulu Police Department

_____ Director, Dept. of Public Safety (State of HI)

_____ Director, Dept. of Health (State of HI)

_____ Other _____

2016 OCT -3 PM 2:37

ADULT CLIENT SERVICES
FIRST CIRCUIT COURT
STATE OF HAWAII