STATE OF HAWAI`I CIRCUIT COURT OF THE FIRST CIRCUIT	**JUDGMENT** **OF CONVICTION AND PROBATION SENTENCE** NOTICE OF ENTRY	
CASE NUMBER 1CPC-18-0000729	REPORT NUMBER(S):	
STATE VS. (DEFENDANT) JOSHUA WILLING		

Electronically Filed
FIRST CIRCUIT
1CPC-18-0000729
21-NOV-2018
10:12 AM

DEFENSE COUNSEL:	DATE OF HEARING:
EDWARD AQUINO (DPD)	NOVEMBER 21, 2018

PLEA: GUILTY	CHANGE OF PLEA

ORIGINAL CHARGE(S):	CHARGE(S) TO WHICH DEFENDANT PLED
COUNTS 1, 3, 5: SEXUAL ASSAULT IN THE FIRST DEGREE (§707-730(1)(b), H.R.S.) COUNTS 2, 4: SEXUAL ASSAULT IN THE THIRD DEGREE (§707-732(1)(b), H.R.S.)	COUNTS 1, 3, 5: SEXUAL ASSAULT IN THE SECOND DEGREE (§707-731(1)(a), H.R.S.) COUNTS 2, 4: SEXUAL ASSAULT IN THE THIRD DEGREE (§707-732(1)(b), H.R.S.)

DEFENDANT IS CONVICTED AND FOUND GUILTY OF:

COUNTS 1, 3, 5: SEXUAL ASSAULT IN THE SECOND DEGREE (§707-731(1)(a), H.R.S.)
COUNTS 2, 4: SEXUAL ASSAULT IN THE THIRD DEGREE (§707-732(1)(b), H.R.S.)

FINAL JUDGMENT AND SENTENCE OF THE COURT:

PROBATION: FIVE (5) YEARS EACH IN COUNTS 1 - 5, CONCURRENT.

SEE ATTACHMENT (TERMS AND CONDITIONS OF PROBATION)

DATE:	JUDGE	SIGNATURE
NOVEMBER 21, 2018	GLENN J. KIM	Glenn J. K

NOTICE OF ENTRY

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

DATE:	CLERK:	SIGNATURE
NOVEMBER 21, 2018	I. RICHARDSON	

Form CC-CR-DIV-022

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: Honolulu, Hawai`i 05-MAR-2019, /s/ Lori Ann Okita, Clerk of the First Judicial Circuit, State of Hawai`i

STATE OF HAWAI`I CIRCUIT COURT OF THE FIRST CIRCUIT	**TERMS AND CONDITIONS OF PROBATION**	CASE NUMBER 1CPC-18-0000729

TO DEFENDANT:

JOSHUA WILLING

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 or engage in criminal conduct in any foreign jurisdiction or under military jurisdiction that would constitute a crime under Hawaii law during your deferred term or 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
   777 Punchbowl Street
   Honolulu, HI 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 hours of release;

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

8. 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 YOUR 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

CASE NO. 1CPC-18-0000729
State of Hawaii vs. JOSHUA WILLING

8. SPECIAL CONDITIONS OF PROBATION

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;

C. 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 by law enforcement identification analysis;

D. Pay a monetary assessment of $500 or the actual cost of the DNA analysis, whichever is less, to the DNA registry special fund;

E. Serve a term of imprisonment of eighteen (18) months, with credit for time served. Mittimus to issue on Monday, November 26, 2018 at 8:30 a.m. in Judge Kim's Courtroom, Courtroom 8;

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

G. Pay to the crime victim compensation fund $525.00;

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

I. Pay an internet crimes against children fee in the amount of $500.00;

J. Pay all incurred extradition costs to the Department of Finance, State of Hawaii, upon being extradited to Hawaii under the Interstate Compact for Adult Offender Supervision or as requested by the Adult Client Services Branch;

K. Pay the crime victim compensation fee, probation services fee, DNA assessment, internet crime against children fee, and any possible extradition costs at the rate of at least $30.00 per month, unless incarcerated. 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;

8. SPECIAL CONDITIONS OF PROBATION

L. 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;

M. Submit to urinalysis and/or other alcohol/drug testing protocol, 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**;

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

O. 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, 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;

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. 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;

R. Not contact or attempt to contact, directly or indirectly, or be within a 500 foot radius of the victim, nor any other party significantly related to her, without the prior knowledge and authorization of your probation officer;

S. Sign a Waiver of Extradition;

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;

8. SPECIAL CONDITIONS OF PROBATION

U. 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 Division payment formula;

V. Refrain from purchasing, possessing or accessing any pornographic or sexually explicit materials, and refrain from going to places where such materials are available;

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

X. Refrain from hitchhiking and picking up hitchhikers;

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

Z. Pay for and submit to electronic monitoring as deemed appropriate by your probation officer.

CERTIFICATE OF PRESENTENCE DETENTION

PUBLIC SAFETY

Name of Defendant: **Joshua Willing** HI SID No. _____ Date of Sentence: **11/21/2018**

Case No./Count	Police Report #	Length of Detention From	Length of Detention To	No. of Days Detained
1CPC-18-0000729				
Ct. 1		5-9-18	5-9-18	1
Ct. 2				
Ct. 3				
Ct. 4				
Ct. 5				
	1	5-3-18	5-3-18	1

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

FOR APD USE ONLY

REQUESTS SENT TO:

☑ HPD ☑ OCCC

☐ HSH ☑ SHERIFF

☐

ADULT CLIENT SERVICES
FIRST CIRCUIT COURT
STATE OF HAWAII

2018 SEP 17 AM 11:38

CERTIFICATE OF PRESENTENCE DETENTION

HPD

Name of Defendant Joshua Willing **HI SID No.** _____ **Date of Sentence** 11/21/2018

Case No./Count	Police Report #	Length of Detention From	To	No. of Days Detained
1CPC-18-0000729				
Ct. 1		05-03-18	05-07-18	4
Ct. 2				
Ct. 3				
Ct. 4				
Ct. 5				

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 _____

FOR APD USE ONLY

REQUESTS SENT TO:

☑ HPD ☑ OCCC

☐ HSH ☑ SHERIFF

☐

ADULT PROBATION
FIRST CIRCUIT COURT
STATE OF HAWAII
2018 SEP 18 A 10:53

55

CERTIFICATE OF PRESENTENCE DETENTION

OCCC

Name of Defendant: **Joshua Willing** HI SID No. - - Date of Sentence: **11/21/2018**

Case No./Count	Police Report #	Length of Detention From	To	No. of Days Detained
1CPC-18-0000729				
Ct. 1		5/7/18	5/9/18	3
Ct. 2				
Ct. 3				
Ct. 4				
Ct. 5				
	Bonded Out			

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 /

(Title) (Date)

FOR APD USE ONLY

REQUESTS SENT TO:

☑ HPD ☑ OCCC

☐ HSH ☑ SHERIFF

☐

2018 SEP 17 AM 10:10
ADULT CLIENT SERVICES
FIRST CIRCUIT COURT
STATE OF HAWAII