STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT	**JUDGMENT** **OF CONVICTION AND PROBATION SENTENCE** NOTICE OF ENTRY	

Electronically Filed
FIRST CIRCUIT
1CPC-18-0000645
29-JUL-2019
11:15 AM

CASE NUMBER	REPORT NUMBER(S)
1CPC-18-0000645	
STATE OF HAWAII vs. (DEFENDANT) **MARLEY K. NICHOLSON**	

DEFENSE COUNSEL:	DATE OF HEARING:
MEGAN KAU (Court Appointed Attorney)	7/29/2019
DEFENDANT'S PLEA: GUILTY	DISPOSITION: CHANGE OF PLEA
ORIGINAL CHARGE(S): SEXUAL ASSAULT IN THE SECOND DEGREE (§707-731(1)(b), H.R.S.)	CHARGE(S) TO WHICH DEFENDANT PLED: SEXUAL ASSAULT IN THE SECOND DEGREE (§707-731(1)(b), H.R.S.)

DEFENDANT IS CONVICTED AND FOUND GUILTY OF:

SEXUAL ASSAULT IN THE SECOND DEGREE (§707-731(1)(b), H.R.S.)

FINAL JUDGMENT AND SENTENCE OF THE COURT:

PROBATION: **5 YEARS**
To run concurrently with any other term being served.

(See Attached Terms and Conditions of Probation)

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

DATE	JUDGE	SIGNATURE
7/29/2019	**Paul B.K. Wong**	

NOTICE OF ENTRY

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

DATE	CLERK	SIGNATURE
7/29/2019	**C. Valerio**	

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 19-AUG-2019, /s/ Lori Ann Okita, Clerk of the First Judicial Circuit, State of Hawai`i

STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT	TERMS AND CONDITIONS OF PROBATION	CASE NUMBER 1CPC-18-0000645

TO: DEFENDANT MARLEY K. NICHOLSON

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 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 Oahu 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 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 TERMS AND 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 for law enforcement identification analysis;

D. Pay 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 18 months, with credit for time served given; *Mittimus* to issue forthwith;

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

G. Pay to the crime victim compensation fund $105;

H. Pay a probation services fee in the amount of $150;

I. Pay the internet crime against children fee in the amount of $100;

J. Sign a Waiver of Extradition;

K. Pay any and 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;

L. Pay the crime victim compensation fee, probation services fee, DNA assessment, internet crime against children fee, and any extradition costs at the rate of at least $30 per month. Payment shall be applied in the same order as they are listed. Any modifications in the manner of payment must be approved by the court.

8. SPECIAL TERMS AND CONDITIONS OF PROBATION

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 alcohol/drug testing protocol, at your own expense as directed by your probation officer. **A positive finding(s), failure to provide a specimen within 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 or deferral violation;**

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

P. Obtain/maintain/and participate satisfactorily in 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 and/or inappropriate materials as clinically defined by your therapist) 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/maintain/and participate satisfactorily in mental health treatment or services, including anger management treatment or services, domestic violence intervention, 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 of such treatment;

S. Not contact or attempt to contact, directly or indirectly, the victim, nor any other party significantly related to the victim, without the prior knowledge and authorization of your probation officer;

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 TERMS AND 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, and/or accessing 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;

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

X. Refrain from hitchhiking and picking up hitchhikers;

Y. 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;

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

AA. Provide photograph and/or fingerprints; and

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