STATE OF HAWAI`I
CIRCUIT COURT OF THE FIRST CIRCUIT

JUDGMENT
OF CONVICTION AND PROBATION SENTENCE
NOTICE OF ENTRY

CASE NUMBER
1CPC-19-0001089

REPORT NUMBER(S):

STATE VS. (DEFENDANT)
SETH OWENS

X -

Electronically Filed
FIRST CIRCUIT
1CPC-19-0001089
28-OCT-2021
10:23 AM
Dkt. 133 JOC

DEFENSE COUNSEL:
DPD CRAIG NAGAMINE

DATE OF HEARING:
OCTOBER 28, 2021

PLEA: GUILTY

TRIAL: CHANGE OF PLEA

ORIGINAL CHARGE(S):

CTS. 1, 2:
SEXUAL ASSAULT IN THE FIRST DEGREE (707-730(1)(b), H.R.S.)

CTS. 3, 4, 5:
SEXUAL ASSAULT IN THE THIRD DEGREE (707-732(1)(b), H.R.S.)

CHARGE(S) TO WHICH DEFENDANT PLED

CTS. 1, 2:
SEXUAL ASSAULT IN THE SECOND DEGREE (707-731(1)(a), H.R.S.)

CTS. 3, 4, 5:
SEXUAL ASSAULT IN THE THIRD DEGREE (707-732(1)(b), H.R.S.)

DEFENDANT IS CONVICTED AND FOUND GUILTY OF:

CTS. 1, 2:
SEXUAL ASSAULT IN THE SECOND DEGREE (707-731(1)(a), H.R.S.)

CTS. 3, 4, 5:
SEXUAL ASSAULT IN THE THIRD DEGREE (707-732(1)(b), H.R.S.)

FINAL JUDGMENT AND SENTENCE OF THE COURT:

PROBATION:

FIVE (5) YEARS WITH SPECIAL CONDITIONS

DATE:
OCTOBER 28, 2021

JUDGE SHIRLEY M. KAWAMURA

SIGNATURE /s/ Shirley M. Kawamura

NOTICE OF ENTRY

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

DATE:
OCTOBER 28, 2021

CLERK: A. MATSUO

SIGNATURE /s/ A. MATSUO

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 03-JAN-2022, /s/ Lori Ann Okita, Clerk of the First Judicial Circuit, State of Hawai`i

Form CC-CR-DIV-022

STATE OF HAWAI`I CIRCUIT COURT OF THE FIRST CIRCUIT	**TERMS AND CONDITIONS OF PROBATION**	CASE NUMBER 1CPC-19-0001089

TO DEFENDANT:

SETH OWENS

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

CR. NO. 1CPC-19-0001089
State of Hawai`i vs. SETH OWENS

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 for law enforcement identification analysis;

D. Pay monetary assessment of $500.00 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 Jail in Counts 1 and 2; and TWELVE (12) MONTHS Jail in Counts 3, 4, 5. Mittimus to issue forthwith;

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

G. Pay to the crime victim compensation fund $525.00 ($105.00 as to Counts 1, 2, 3, 4, 5);

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

I. Pay the internet crime against children fee in the amount of $500.00 ($100.00 as to Counts 1, 2, 3, 4, 5);

J. Pay all fees and assessments in the amount of $30.00 per month, unless incarcerated. Payment of restitution while incarcerated shall be in accordance with HRS § 353-22.6. Any modifications in the manner of payment must be approved by the court;

K. 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;

8. Special Conditions of Probation

L. Submit to urinalysis 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 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 deferred or probation violation**;

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

N. 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;

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 (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;

P. Obtain and maintain mental health treatment or services, including anger management treatment or services, domestic violence intervention, 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;

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

R. 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;

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. All sex offender conditions;

V. 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 Client Services Branch payment formula;

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

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

Y. Refrain from hitchhiking and picking up hitchhikers;

Z. 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;

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

BB. Provide photograph and/or fingerprints;

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

DD. Defendant must provide to his probation officer any and all electronic email address, instant messaging, chat, social networking site screen names, or other internet communication names or identity information that the defendant uses or intends to use while accessing the internet. Defendant shall obtain permission from his probation officer, in advance and in writing, before he accesses the internet, and shall inform the probation officer what sites he intends to visit, and the purpose for such access. Failure to follow these internet restrictions shall constitute a violation of a substantial term and condition of Defendant's probation;

EE. Defendant shall not move for early termination of his probation.