

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

FC-DA No. 11-1-267K
TEMPORARY RESTRAINING ORDER
Hearing Date: August 29, 2011
Judge: Aley K. Auna, Jr.
This Order expires on: February 17, 2012
 Caution: Weapon Involved

SARAH KIHOI-LOW and obo minor child
PETITIONER,
vs.
HALLEY K. KAAWA
RESPONDENT.

TEMPORARY RESTRAINING ORDER

- A. After reviewing the Petition for an Order for Protection, the Court finds probable cause to believe that:
1. A past act or acts of abuse have occurred, or that threats of abuse make it probable that acts of abuse may be imminent.
 2. This Temporary Restraining Order is necessary to prevent acts of abuse or a recurrence of abuse and to ensure a period of separation of the persons involved.
 3. Petitioner and Respondent are family or household members.
 4. Respondent's identifying information is as follows:

Name: HALLEY K. KAAWA

Address: HCCC in Hilo

Year of Birth: _____ Telephone No.: _____

- Respondent may own, possess, have access to, or intends to obtain a firearm, which may be used to threaten, injure or abuse a person.

B. THEREFORE, THE COURT MAKES THESE ORDERS:

Respondent: These orders apply right now to you and anyone acting for you. Read carefully.

1. You must go to court on (date) September 6, 2011 at 8:30 a.m. _____ p.m.
2. Do not threaten, physically abuse or psychologically abuse the Petitioner or anyone living with the Petitioner.
3. Do not contact, write, telephone or otherwise electronically contact (recorded message, pager, email, text message, instant message, etc.) the Petitioner or anyone living with the Petitioner.
4. Do not approach or come within **100 feet** of the Petitioner.
5. Do not visit or approach within **100 yards** of any place where the Petitioner lives, works, or goes to school. Do not violate this Order even if the Petitioner invites you to be at the place where the Petitioner lives, works, or goes to school.
6. Do not damage or otherwise disturb the property of the Petitioner or the property of anyone living with the Petitioner.

_____. Immediately leave the residence located at _____

_____ and do not go back until this Order is changed. If you need personal items from the residence before the court hearing, such as clothing, you may contact the Police Department within 24 hours of the service of this Order. The Police Department is authorized to escort you to the residence to remove personal items one time, but only after the Petitioner is contacted. You may be at the residence only while a police officer is present.

1. Do not have contact with these children, including at their schools:

AK
Tahlia K. Kihoi-Low

_____. Do not have contact with these people who live with the Petitioner:

Sarah Kihoi-Low
and OBO minor child

PETITIONER

vs.

Halley K. Kaawa

RESPONDENT

Petitioner's name, address and telephone number:

Sarah Kihoi-Low
P.O. Box 393
Honolulu, HI 96726
854-0484

and, Petitioner's Attorney's name, address and telephone number:

I. Petitioner alleges, under penalty of perjury, that:

- 1. This Petition is made pursuant to Hawai'i Revised Statutes ("H.R.S.") Chapter 586 and H.R.S. section 134-7.
- 2. I reside on the island of Hawai'i.
- 3. I am submitting this petition for myself and on behalf of the following family or household member(s) who are minors or incapacitated adults:

Name	Sex	Year of Birth	Legal Mother and Father <small>(if person is a minor)</small>	or	Relationship to Petitioner <small>(if person is an adult)</small>
Tahlia K. Kihoi-Low	F	2003			petitioner and respondent

Name(s) and species of the animal(s) belonging to household in need of protection, if any:

The adult/s listed are unable to come to court and/or incapacitated.. If there is a guardianship ordered by a court, complete the following case information:

Case name: _____ Case number: _____

Location of court: _____ Type of case: _____

4. I have the following relationship with the Respondent:

Length of our relationship: _____ day(s) _____ month(s) 4 year(s)

- A. we are married.
- B. we were married, but are now divorced.
- C. we are current or former reciprocal beneficiaries.
- D. we are or were dating (romantic, courting, or engaged).
- E. we are now living together.
- F. we used to live together.
- G. we are related by blood, Respondent is my _____
- H. we have a child/children together.

____ Do not take, conceal, remove, threaten, physically abuse, or otherwise dispose of the following animal(s) belonging to the household: [name(s)/species of the animal(s):] _____

____ **FIREARMS RESTRICTIONS.** Pursuant to section 134-7(f) of the Hawai'i Revised Statutes, you, Respondent, and/or anyone acting on your behalf, are prohibited from possessing, controlling, or transferring ownership of any firearm, ammunition, or firearm permit or license for the duration of this Order or extension thereof. All firearms permits or licenses are hereby revoked. You, Respondent, shall immediately turn over all firearms, ammunition, permits and/or licenses to a police officer or to the Hawai'i County Police Department (349 Kapiolani St., Hilo, HI 96720; 74-5221 Queen Kaahumanu Hwy., Kailua-Kona, HI 96745); for the duration of this Order or extension thereof.

C. IT IS FURTHER ORDERED THAT:

1. A law enforcement officer shall personally serve this Order and related documents on the Respondent and shall accompany the Petitioner and assist the Petitioner in securing possession of any dwelling or residence that the Respondent is ordered to vacate.
2. Filing fees are waived.
3. If there are firearms restrictions, a copy of this Order shall be forwarded to Respondent's chief, commanding officer or administrator (name/address) _____

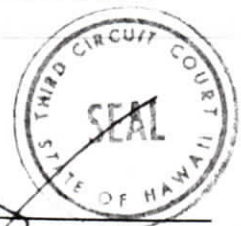
At the court hearing on the date noted on page 2 of this Order, the Respondent must tell the Court why this Order should be cancelled. The Petitioner and the Respondent must be ready for the hearing and both can testify, present evidence, and question witnesses. The Petitioner and the Respondent can bring their own attorneys.

ANY VIOLATION OF THIS TEMPORARY RESTRAINING ORDER IS A MISDEMEANOR AND PUNISHABLE BY A JAIL SENTENCE OF UP TO ONE YEAR AND/OR UP TO A \$1,000 FINE.

DATED: Island of Hawai'i, AUG 22 2011



Judge of the Above-Entitled Court



INSTRUCTIONS TO APPLICANT FOR A TEMPORARY RESTRAINING ORDER

Please find a quiet place without any distraction and read through your copy of the document provided.

The top document - "Notice of Temporary Restraining Order and Notice of Hearing" gives the time of your court hearing. **YOU MUST APPEAR** for the hearing at the time, date and place written on this notice. If you have any special concerns about waiting for court in the presence of the respondent, call 443-2177.

The document - "Temporary Restraining Order for Protection" is the order that the judge has signed. This order will remain in effect until the court hearing. **Review this order carefully and obey the terms of the order until the court hearing.** If you change your mind about something in the order you can ask the judge to change the order at the court hearing. **Until the court hearing do not contact the other party or ask the other party to violate the Temporary Restraining Order!**

You have been given a sealed envelope marked "Police Department-County of Hawaii -Extra Service Copy". Do not open this sealed envelope. If the respondent is violating the order and a police officer responds to a request for assistance, you should give the police officer the sealed envelope so that the police officer can serve and enforce the order. Do not call the police just to have them serve the envelope with the court order. The police have their own copy of the papers and will serve the Respondent as soon as they can.

Your best protection is to take common sense steps to avoid exposing yourself or your children to risk of harm. If you need advice or assistance seek help from an attorney or call the Alternative to Violence Program at 323-2664.



DAWN WEST
DEPUTY CHIEF COURT ADMINISTRATOR

Petitioner
Respondent
Police

FILED

FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

T. DECKER, CLERK
FAMILY COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

FC-DA NO. 11-1-267K

SARAH KIHIOLOW
and obo minor child

Petitioner(s),

NOTICE OF TEMPORARY
RESTRAINING ORDER AND
NOTICE OF HEARING

HALLEY K. KAWA

Respondent:

NOTICE OF TEMPORARY RESTRAINING ORDER
AND NOTICE OF HEARING

TO THE DEFENDANT: HALLEY K. KAWA

READ THIS DOCUMENT CAREFULLY!

The Temporary Restraining Order for Protection attached to this notice applies to you now unless the judge changes the Order at a court hearing. Read the Temporary Restraining Order for Protection carefully and obey the Order.

Any violation of the attached Temporary Restraining Order for Protection is a misdemeanor, and is punishable by a jail term of up to one year, as well as a fine of up to \$1,000.

You are ordered to appear before the presiding judge of this Court at the date, time, and place listed below. At this hearing you will be required to show cause why an order for protection should not be continued against you.

Hearing Date: September 6, 2011
Hearing Time: 8:30am
Hearing Place: LENDERS DOCUMENT SERVICE BUILDING
77-6399 Nalani Street, Kailua-Kona, HI 96740

If you wish to seek the advice of an attorney in this matter, you should do so immediately. You must appear at the hearing scheduled with or without an attorney. If you fail to appear at the hearing, a bench warrant may be issued for your arrest.

Legal and family problems can be difficult and emotionally upsetting. If you need help in the form of emotional support or someone to talk to, telephone Crisis Hotline (islandwide) at 1-800-753-6879. The service is available 24 hours a day and is free and confidential.

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

T. Decker

Third Circuit Court, State of Hawaii

In accordance with the Americans with Disabilities Act, if you require an accommodation or assistance, please call 329-7377, FAX to 329-3748, or TTY to 961-7525 at least seven (7) days in advance of your hearing.

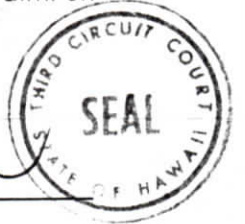
~~AK~~ This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the district or circuit courts permits, in writing on the summons, personal delivery during those hours.

_____ This summons may be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, _____
Judge

DATED: _____ AUG 22 2011

June Clarke

CLERK OF THE COURT



PA

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	JUDGMENT GUILTY CONVICTION AND SENTENCE ___ Young Adult Defendant NOTICE OF ENTRY	CASE NUMBER CR. NO. 03-1-285K
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STATE OF HAWAII vs. (DEFENDANT) HALLEY KAAWA	POLICE REPORT NO. H-71088/KN
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DEFENDANT'S PLEA (2-11-2004) ___ GUILTY ___ NOT GUILTY <u>X</u> NO CONTEST	___ JURY VERDICT <u>X</u> JUDGE FINDINGS
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ORIGINAL CHARGE(S) I-ASSAULT IN THE SECOND DEGREE; II-TERRORISTIC THREATENING IN THE SECOND DEGREE	CHARGE TO WHICH DEFENDANT PLEAD I-ASSAULT IN THE SECOND DEGREE, in violation of Section 707-711(1)(b), HRS, as amended
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DEFENDANT IS CONVICTED AND FOUND GUILTY OF SAME CHARGE TO WHICH DEFENDANT PLEAD	I hereby certify that this is a full, true and correct copy of the original on file in this office. <i>[Signature]</i>
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FINAL JUDGMENT AND SENTENCE OF THE COURT Defendant is committed to the custody of the Director of the Dept. of Public Safety for incarceration for an indeterminate period of FIVE (5) YEARS, with a mandatory minimum term of one year and eight months. Defendant shall be given credit for time served. Mittimus to issue forthwith. Bail conditions are canceled. Period of incarceration to run consecutive with that imposed in Cr. No. 99-244K.	Clerk, Third Circuit Court, State of Hawaii
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X The Defendant entered the plea(s) indicated. It is adjudged that the Defendant has been convicted of and is guilty of the offense stated above, committed in the manner and form set forth in the charge.

___ The Court finds that the Defendant comes within the classification of a young adult defendant under HRS Section 667 and that in lieu of any other sentence of imprisonment authorized by law, defendant should be sentenced to a special indeterminate term of imprisonment. The court is of the opinion that such special term is adequate for defendant's correction and rehabilitation and will not jeopardize the protection of the public.

THE JUDGMENT AND SENTENCE OF THIS COURT IS AS STATED HEREIN.

DATE SIGNED MAY 10 2004	JUDGE RONALD IBARRA	SIGNATURE /s/ Ronald Ibarra (Seal)
NOTICE OF ENTRY THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL PARTIES		<div style="display: flex; flex-direction: column; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> GANDALINA, CLERK THIRD CIRCUIT COURT STATE OF HAWAII </div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> 2004 MAY 10 AM 9:19 </div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> FILED </div> </div>
DATE	CLERK LANI NG	DISTRIBUTION: <u>X</u> ORIG. FILE <u>X</u> PROS <u>X</u> DEF <u>X</u> APD <u>X</u> POLICE HCCC/OCCC/V. TIO

Exhibit 9

breast feed her. He wanted to talk about getting back together, I didnt. I could tell he hadnt slept in days & that he was currently using drugs. I told ~~him~~ him. I had nothing to talk about and when I was done nursing her, he could spend time & we would be leaving. Immediately after, while I was sitting & nursing my baby he jumped over the table knocking me & my baby onto the ground and assaulted me. He had broken 4 parts of my face by kicking & punching me directly to my face all with my 7 month old baby girl right beside me. I got off up the ground & she was in his arms & I was left terrified not knowing what happened to my baby. I had a broken nose, broken eye socket, & a jaw completely shattered on both sides. Without my keys or my daughter I had to stay there for approx. 1 hr while he threatened to kill me over & over & over. All while holding my baby in his arms. She started crying & needed to nurse again, so he finally let me go. With blood all over my face & body I took my baby & drove to Kona Hospital. By the grace of GOD my daughter was physically unharmed. My scars have healed, but my emotional pain & suffering has stayed with me thru the years. We have grown & found healing thru each other & I have made a promise to always protect her. He deserves no rights or privileges to be in our ~~lives~~ lives, as I believe that he truly tried to take them away from us on that day. please allow ~~us~~ our healing to remain in peace.

Petitioner requests a TRO because she has discovered that the respondent

will be released from prison very soon and is scared that he'll harm her again. This is why the most recent event of abuse stems from 2003 because the respondent has been incarcerated for the past eight years due to the abuse he inflicted on the petitioner. The petitioner still suffers from mental and emotional anxiety/fear from the 2003 incident and requests protection

PETITION FOR AN ORDER FOR PROTECTION (continued)
(court cases continuation sheet)

CASE NUMBER

Attach this page after page two of the petition

FC-DA No.

OTHER INCIDENT(S) OF ABUSE (attach continuation page(s) if needed)

Respondent abused me and/or _____

on (date) APPROX. NOV 2003 by doing or threatening to do this:

choke force to have sex grab hit kick slap punch push shove other

briefly describe this incident: met down at HUKAENA beach so he could visit my then 7 (?) month old baby, because we were not together at the time... let him visit with her & after about 20 min. baby started crying & I had to

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

These children were in the home, were close by, or were present when the above incident occurred:

OTHER INCIDENT(S) OF ABUSE (attach continuation page(s) if needed)

Respondent abused me and/or _____

on (date) _____ by doing or threatening to do this:

choke force to have sex grab hit kick slap punch push shove other

briefly describe this incident: _____

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

These children were in the home, were close by, or were present when the above incident occurred:

OTHER INCIDENT(S) OF ABUSE (attach continuation page(s) if needed)

Respondent abused me and/or _____

on (date) _____ by doing or threatening to do this:

choke force to have sex grab hit kick slap punch push shove other

briefly describe this incident: _____

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

These children were in the home, were close by, or were present when the above incident occurred:

PETITION FOR AN ORDER FOR PROTECTION (continued)

CASE NUMBER

FC-DA No.

II. Based on the foregoing statements and information, Petitioner requests the following:

1. A Temporary Restraining Order enjoining the Respondent and any other person acting on the Respondent's behalf from:

- A. contacting, threatening or physically abusing me and my family and household members (no contact includes no meetings, email, phone calls, messaging, mail).
- B. entering or visiting my residence.
- C. contacting, threatening, or physically abusing me at my place of work.

Employer's name and address: _____

D. contacting, threatening, or physically abusing the children at school. School's name and address: _____

E. maliciously/intentionally damaging my property or the property of my family and household members.

F. psychologically abusing me and my family and household members.

G. taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal previously identified in section I, #3, as belonging to the household.

2. An order requiring that Respondent immediately vacate my residence.

3. An order requiring Respondent to appear in court and show cause as to why the Order should not be continued.

4. A Protective Order continuing the Temporary Restraining Order and including:

- temporary visitation and custody orders.
- temporary prohibition of visitation with (children's names): _____
- supervised visitation with (children's names): _____

to be supervised by: _____ who: does not yet know of this request

has agreed to this

requiring the Respondent to participate in domestic violence intervention services and/or other counseling.

5. The Protective Order should last for at least _____ month(s) or 10 year(s).

I HEREBY SOLEMNLY AND SINCERELY DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY BELIEF, INFORMATION, AND KNOWLEDGE.

X Joseph K. Lee
Petitioner's Signature

Dated: Island of Hawai'i, 8/17/11

PETITION FOR AN ORDER FOR PROTECTION (continued)

CASE NUMBER

FC-DA No.

6. The Respondent:

- A. may be mentally ill.
- B. may use illegal drugs. (previously used ICE before going to prison for eight years)
- C. is a member of the Armed Services is deployed or has received deployment orders.
- D. may need supervised visitation with the children because: _____

E. may own/possess/have access to a weapon (describe): _____

7. Firearms (check all that apply and fill in the blanks):

A. The Respondent:
 owns possesses has access to intends to obtain intends to transfer ownership of firearm(s), which may be used to threaten, injure or abuse a person as follows:

- 1) Description of firearm(s): _____
- 2) Location of firearm(s): (give street address and describe specific place where firearm is located) _____

B. The Respondent is a member of the police department, a sheriff, a law enforcement officer, a member of the armed forces of the State of Hawai'i or the United States, a mail carrier, or is employed by the State, or subdivisions thereof, or the United States, and may be required to be armed while on duty.

8. Other court cases:

I and/or my family and household members and/or the Respondent are or have been involved in other court cases (check all that apply and list the case number if you know it):

- Divorce _____ Paternity _____
- Restraining Order/Protective Order previous TRO which has expired
- Juvenile _____ C.P.S. _____
- Child Support _____ Criminal assault charges for harming petitioner - getting released from prison
- Others: _____

9. The address I live in is owned rented by: _____

10. The social worker or police officer or other official from this agency told me to file this Petition (identify the agency): _____

PETITION FOR AN ORDER FOR PROTECTION (continued)

CASE NUMBER

FC-DA No.

5. The Respondent has abused the Subject and/or pet as follows:

A. FIRST INCIDENT OF ABUSE

Respondent abused me and/or _____

on (date) Nov. 2003 by doing or threatening to do this:

choke force to have sex grab hit kick slap punch push shove other

briefly describe this incident: see attachments A, B and C

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

These children were in the home, were close by, or were present when the above incident occurred:

B. MOST RECENT INCIDENT OF ABUSE (check here if same as above)

Respondent abused me and/or _____

on (date) _____ by doing or threatening to do this:

choke force to have sex grab hit kick slap punch push shove other

briefly describe this incident: _____

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

These children were in the home, were close by, or were present when the above incident occurred:

C. OTHER INCIDENT(S) OF ABUSE (attach continuation page(s) if needed)

Respondent abused me and/or _____

on (date) _____ by doing or threatening to do this:

choke force to have sex grab hit kick slap punch push shove other

briefly describe this incident: _____

This was: physical harm; threat of imminent physical harm, bodily injury, assault;
 extreme psychological abuse; malicious property damage.

These children were in the home, were close by, or were present when the above incident occurred:

