

**Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Judiciary**

Hrg: Tuesday, February 10, 2009, 2:00 p.m.

1 copy required

**H.B. No. 819 HD1: RELATING TO CRIME**

Chair Karamatsu and Members of the Committee:

We strongly oppose the passage of H.B. No. 819 HD1. This bill would remove the requirement of a hearing on the issue of waiver of family court jurisdiction over a minor who is at least fifteen years of age where the minor has been charged with Murder in the First or Second Degree.

Under the current law, minors in this age category who are alleged to have committed murder are already subject to waiver of family court jurisdiction ("waiver") pursuant to HRS § 571-22(b). However, such a waiver can only be accomplished following a full investigation and hearing before a family court judge. Waiver of minors in this age group is currently discretionary, not mandatory.

This bill seeks to make waiver mandatory and also to dispense with the need for the family court hearing when the minor is alleged to have committed the specified offenses. We are deeply concerned that the bill seeks to remove the right to a waiver hearing which is an important due process protection for the accused. Law enforcement authorities need simply accuse a child of murder to immediately place the child in the adult criminal justice system.

The effects of a waiver of family court jurisdiction on a minor are extreme. The child is immediately placed under bail which would presumably be very high for an offense such as murder. If the child cannot post bail, he/she would be detained until the trial in the youth correctional facility. If the child is convicted, he/she would receive a life prison term with virtually no hope of rehabilitation.

The entire concept of juvenile justice centers on the principle that children must be dealt with differently than adults by the court system. Indeed, research now supports what many experts have long advocated – that a child and adolescent's brain is different from the adult brain. The National Institute for Mental Health, using magnetic resonance imaging (MRI), has found that the teen brain is not a finished product. New findings show that the greatest changes to the parts of the brain that are responsible for functions such as self-control, judgment, emotions, and organization occur between puberty and adult-hood. Moreover, brain development can be impaired by exposure to trauma, violence and abuse – factors which are prevalent among youth in the justice system.

A child's brain is not fully developed at fifteen years of age. Many children suffer from developmental disabilities and would not be able to meaningfully participate in their defense. Others are victims of the familial circumstances which surround them and cannot be expected to function as a young adult. One of the assurances of the juvenile justice system is that each child will be treated as an individual and will be given the

assistance he or she needs to enter adulthood as a well-adjusted, responsible citizen. This bill simply extends a net around a group of individuals without regard to the factual circumstances of the case and takes power away from the family court to fashion a fair and just solution to the situation.

The family court currently does not hesitate to waive its jurisdiction on a minor when waiver is necessary and justified under the law. That is handled on a case-by-case basis after a full investigation and a thorough consideration of the facts presented to the court. If the concern is the time it takes for waiver proceedings to reach disposition, statistics from family court would demonstrate that the majority of waiver proceedings do not take an unreasonable amount of time to reach decisionmaking. Most cases are decided within six months of the filing of the petition to waive jurisdiction. There is no justifiable reason for removing the requirement of a hearing upon the simple accusation of a law enforcement officer. Our constitutional system is premised on checks and balances and the current waiver procedure exists as such a check on governmental power.

Thank you for the opportunity to comment on this bill.



*THE JUDICIARY, STATE OF HAWAII*

**Testimony to the Twenty-Fifth Legislature, Regular Session of 2009**

House Committee on Judiciary  
The Honorable Jon Riki Karamatsu, Chair  
The Honorable Ken Ito, Vice Chair

Tuesday, February 10, 2009, 2:00 p.m.  
State Capitol, Conference Room 325

by  
Thomas R. Keller  
Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 819, H.D.1, Relating to Crime

**Purpose:** Provides for the mandatory waiver of Family Court jurisdiction over minors, aged 15 and older, who are charged with certain acts.

**Judiciary's Position:**

The Judiciary takes no position on House Bill No. 819, H.D. 1, which provides for the mandatory waiver of Family Court jurisdiction over minors, aged 15 and older, who are charged with murder in the 1<sup>st</sup> or 2<sup>nd</sup> degree.

It is our understanding that the impetus for this bill comes from the perceived unreasonable delays in a recent waiver of Family Court jurisdiction case which has been reported by the media to have taken over a year to complete.

The length of time in that case does not reflect the normal timetable for waiver cases. Excluding that case, all other closed waiver cases filed during the calendar years 2007 and 2008 were completed between 1-9 months, with 3.67 months being the average length of time from the filing of the petition to completion.



House Bill No. 819, H.D. 1, Relating to Crime  
House Committee on Judiciary  
February 10, 2009  
Page 2

In this context, it becomes clear that the reported waiver case dealt with complexities that required more than the usual time for waivers. In any waiver case, there are critical tasks which both the State and the defense must undertake whether the offender is to be treated as a juvenile or an adult. These tasks must be performed at the beginning of the case. If the case is complex, there are more tasks and more time expended. To pass a bill based on the public perception of one very tragic case may have unintended consequences with negative results for the community in the long run.

Nearly all of the petitions for the waiver of Family Court jurisdiction regarding minors charged with the offenses included in this bill have been granted. The existing statutory language has not resulted in inconsistent outcomes or in outcomes which would be to the detriment of public safety. The existing statute allows for judicial discretion without compromising public safety.

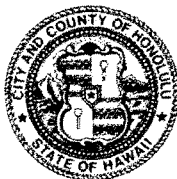
Last, if such waiver is mandated, we strongly suggest deletion of the following language in subsection (e) on page 5, lines 1-2, which reads, "... and order the minor held for criminal proceedings in a youth correctional facility," because it is inadvisable to require the Office of Youth Services/Hawaii Youth Correctional Facility to house both waived and non-waived juveniles.

Thank you for the opportunity to submit testimony on this matter.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

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DEPUTY CHIEFS

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February 10, 2009

The Honorable Jon Riki Karamatsu, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Karamatsu and Members:

Subject: House Bill No. 819, H.D. 1, Relating to Crime

I am Richard C. Robinson, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 819, H.D. 1, Relating to Crime. Passage of this bill would allow for a more expedient judicial process for accused murderers who are aged fifteen to seventeen. Currently, juvenile murder suspects have a waiver hearing in Family Court to determine if the juvenile can be prosecuted as an adult.

In 2007, a juvenile murder suspect was arrested, and a petition for waiver was filed. It took five separate Family Court hearings and more than one year before he was waived to be tried as an adult. Until today, the family of the victim has been deprived of the right to see the juvenile stand trial for his crimes. The Honolulu Police Department strongly believes that the victims' families deserve closure and justice, and justice delayed is justice denied.

*Serving and Protecting With Aloha*

The Honorable Jon Riki Karamatsu, Chair  
and Members

Page 2

February 10, 2009

The Honolulu Police Department urges you to support House Bill No. 819,  
H.D. 1, Relating to Crime.

Thank you for the opportunity to testify.

Sincerely,



RICHARD C. ROBINSON, Captain  
Criminal Investigation Division

APPROVED:

for:   
BOISSE P. CORREA  
Chief of Police



Via E-mail: JUDtestimony@capitol.hawaii.gov  
Committee: Committee on Judiciary  
Hearing Date/Time: Tuesday, February 10, 2009, 2:00 p.m.  
Place: Room 325  
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 819, HD1,  
Relating to Crime

Dear Chair Karamatsu and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to H.B. 819, HD1, which seeks to mandate that minors aged 15-17 be tried as adults in cases of first and second degree murder.

The ACLU opposes prosecuting children in adult court in most cases. Our current system already strikes the appropriate balance: Every time the prosecution wants to try a child as an adult, no matter how serious the offense, there is a transfer hearing. The transfer hearing requires a full hearing – which affords all due process rights to the child – after which the presiding judge determines whether the child should be tried as an adult. The prosecution, not the child, bears the burden of establishing the need for a transfer by "clear and convincing" evidence.

### ***Trying Minors as Adults Neither Deters Crime Nor Reduces Recidivism***

Although minors who commit murder deserve severe punishment, trying them as adults does not make anyone safer. In fact, putting young offenders in adult prisons has been found to have no deterrence value, and may lead to more crime, higher prison costs and increased violence because young people will learn criminal behaviors from the adults they are placed with.

### ***Children Are Not Adults and Should Not Be Treated As Adults in the Justice System***

Because the adult correctional system does not have the resources or the facilities to address the needs of youth under the age of 18, the jurisdiction of the court for youth should remain with family court and juvenile justice systems, which were specifically created to address the needs of and provide services to young people. Incarcerating youth offenders in adult prisons places juveniles in real physical, mental, and psychological danger.

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: office@acluhawaii.org  
www.acluhawaii.org

Hon. Rep. Karamatsu, Chair, JUD Committee  
and Members Thereof  
February 10, 2009  
Page 2 of 2

Our current system provides an appropriate response to violent crimes by young people and should be maintained, and the ACLU of Hawaii supports the existing, reasonable middle ground.

***This Bill Consolidates Power within the Offices of the County Prosecutors***

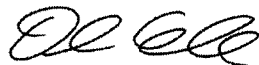
This bill does not eliminate all discretion in the criminal justice system: it simply transfers that discretion from independent judges to prosecutors.

Prosecutors have discretion to determine how to charge a particular crime, and can choose whether to charge a juvenile with first- or second-degree murder or with some lesser crime. Existing law strikes the right balance by giving judges some authority to temper this prosecutorial discretion. If this bill passes, there will be *no less* discretion in the criminal justice system, but instead of having that power spread out between the prosecution and the judiciary, the prosecutors will have unfettered discretion to treat cases however they see fit. Again, our current system strikes a more appropriate balance of power.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,



Daniel M. Gluck  
Senior Staff Attorney  
ACLU of Hawaii

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
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E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)



## **JUDICIARY COMMITTEE**

February 10, 2009

Representative Jon Riki Karamatsu, Chair  
Representative Ken Ito, Vice-Chair  
Members of the committee

Thank you for the opportunity to testify today.

Hawaii Rifle Association would like to express support of HB 819.

Those that oppose this bill say we shouldn't treat "children" like adults. Some feel minors at age 15 aren't mature enough to comprehend the "adult" consequences of their actions when they engage in premeditated murder. We would disagree.

Adult privileges carry adult responsibilities. There are many instances in Hawaii law where minors are afforded the opportunity to engage in traditionally adult behavior. They can drive, have sex, and consent to medical care, including abortions. So, it seems somewhat disingenuous to argue that in some circumstances a minor should be afforded adult privileges and responsibilities, while avoiding penalties that arise out of adult behaviors, like murder.

First and second degree murder are adult offenses. If a minor commits these crimes, they should be tried as an adult. Violent offenders, regardless of age, should not be allowed back on the streets to terrorize innocent citizens.

Thank you.

Bill Richter  
Secretary,  
Hawaii Rifle Association.

**karamatsu3-Leanne**

---

**From:** Marc Witter [mwitter@heinrich.com]  
**Sent:** Wednesday, February 04, 2009 9:53 AM  
**To:** JUDtestimony  
**Subject:** Testimony

**Categories:** Orange Category

Reference: HB 819

My name is Marc Witter, I reside in Hawaii and as a resident I am writing to voice my support for HB 819, Karen's Law. I support this proposed bill on the basis that it is unfair not to punish those who commit such serious deadly crimes, regardless of their juvenile status.

The legislation is needed and I hope every elected official will vote yes on HB 819.

## karamatsu3-Leanne

---

**From:** Kevin Callahan [callahank001@hawaii.rr.com]  
**Sent:** Wednesday, February 04, 2009 10:34 AM  
**To:** JUDtestimony; FINTestimony  
**Subject:** Karen'a Law Testimony

**Categories:** Orange Category

To: Human Services Committee  
Fm: Kevin P. Callahan  
Subj: Karen's Law

I am the longtime boyfriend of Karen Ertell who was brutally Raped and Murdered by her then 15 year old neighbor who lived across the street. Her daughter and I found her body in her home that morning when she did not show up for work.

Like I said at the Press Conference; I cannot describe to you the daily pain and anguish that Karen's family and loved ones have endured since her murder. This anguish turned into weeks, then months and now almost two years; yet there has been no trial.

In the Family Court we endured eight delays and postponements as the Legal wheels turned painfully slow before the Judge finally made a decision to waive jurisdiction and move the case to Adult Court. This took nearly eighteen months!

This not only put Karen's Family through hell; it cost an incredible amount of Taxpayer Money and manpower.

Some will say the system works since they claim that every murder committed by a Juvenile in Hawaii in the last 10 years has been waived. That is not exactly the case. It also cost a huge amount of money and manpower to do so; when these cases could have gone straight to adult court.

There has been many cases in Hawaii where the Juvenile system came into play. The girl beat to death in the middle of the street in Kailua was killed by a man who was reported by the media to have 67 Juvenile arrest....some of these were undoubtedly violent crimes. The young man who killed Ned Nakoia on the streets of Waikiki was released from Juvenile detention by the very Judge who over saw Karen's killer's case, only to kill, after having an attempted murder rap on his record.

The vast majority of states in our country send these cases of violent crime to adult court, most specifically Murder and Rape.

Hawaii does not have "Pre-Meditated Murder" or 1st Degree Murder UNLESS a Judge, Police Officer or Witness is murdered. Hawaii only has 2nd degree Murder on the books for almost all cases and 1st degree Murder charges are extremely rare. The difference being the sentence: 1st Degree carries a sentence of 'Life without Parole while 2nd degree Murder carries a sentence of 'Life with Parole'. The average time a murder conviction spends in jail is only 15 years in Hawaii. Recently a convicted Murderer was released after 15 years and in less then one year killed again.

We cannot confine Karen's law to 1st degree Murder only as this would eliminate all but the rarest cases. It should include Rape, 2nd degree Murder and "3 Strikes and your out" for violent crimes as a Juvenile.

Last year one of Honolulu's TV stations conducted a Poll asking the public if they thought this and other cases should be moved immediately to Adult Court. The response was an overwhelming 80% in favor of

doing so. PLEASE listen to your constituents. The Community is tired so this type of Juvenile Crime and wants to be safe.

Thank you for your time and consideration in this Bill.

Kevin P. Callahan

## **karamatsu3-Leanne**

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**From:** Nancy McLellan [nancymc2@hawaiiantel.net]  
**Sent:** Wednesday, February 04, 2009 12:51 PM  
**To:** JUDtestimony  
**Subject:** House Bill B819

**Categories:** Orange Category

I am in favor of Karen's Law, House Bill B819. It is a very important to pass this bill now!  
Thank you in advance for moving this bill into law.

Nancy McLellan  
91 589 Puhilaka PI  
Ewa Beach HI 96706

**karamatsu3-Leanne**

---

**From:** Cathy Schoonover [cathy.schoonover.niv7@statefarm.com]  
**Sent:** Wednesday, February 04, 2009 1:07 PM  
**To:** JUDtestimony  
**Subject:** House Bill 819

**Categories:** Orange Category

I SUPPORT KAREN'S LAW!!!!

*Cathy Schoonover*

## karamatsu3-Leanne

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**From:** Mel McKeague [mel\_mckeague@hotmail.com]  
**Sent:** Wednesday, February 04, 2009 2:34 PM  
**To:** JUDtestimony; FINTestimony  
**Cc:** Rep. Kymberly Pine  
**Subject:** HB819 "Karen's Law"

**Categories:** Orange Category

Our youth is much more mature today at a younger age, than they were in the days the current laws were formulated. The laws need to change to reflect today's Hawaii. I live in Ewa Beach, and I have witnessed a steady, but sure decline in the general respect for the law by juveniles in my community. There is a general "lawlessness" on the street: explosives of all types going on continuously, the roar of illegal motorized vehicles, open drug and alcohol consumption, fight-clubs and "challenges" displayed in the middle of the road, all happening for all to see, all hours of the day and night. And sometimes, with the support of the adults around them, including parents.

Specifically in the case of Karen Ertell, allegedly by the same individual, she was harassed, then terrorized, and finally raped and murdered. The crimes escalated, were carried out with precision, carefully planned, including a cover-up. These are not the actions of an immature individual that is too young to understand the difference between right and wrong specific to this assault and murder. I urge the ratification of this bill. It's a common-sense bill, given today's times. I'm confident that the majority of our citizens would concur that the individual in this case should be tried as an adult, and there should be a law that reflects and assures that in case it happens again.

Melvin A. McKeague  
91-1111 Ahona St.  
Ewa Beach, HI 96706  
808-689-0272

**karamatsu3-Leanne**

---

**From:** barbaramclellan@bellsouth.net  
**Sent:** Wednesday, February 04, 2009 3:01 PM  
**To:** JUDtestimony  
**Subject:** Kearen's Law

**Categories:** Orange Category

I support Karen's law.



**karamatsu3-Leanne**

---

**From:** Erin Henderson [misserinunc@yahoo.com]  
**Sent:** Wednesday, February 04, 2009 3:27 PM  
**To:** JUDtestimony  
**Subject:** house bill 819

**Categories:** Orange Category

I support Karen's Law!

## karamatsu3-Leanne

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**From:** Sarah Marston [sarahmarston@hotmail.com]  
**Sent:** Wednesday, February 04, 2009 9:24 PM  
**To:** JUDtestimony  
**Subject:** I support Karen's Law.

**Categories:** Orange Category

To Whom It May Concern:

As a wife and mother who wants to make sure that her neighborhood and community is safe, I feel I must write in support of Karen's Law. I was amazed to hear that so much of my tax money and legislative time is being spent to determine whether a 15-17 year old accused murderer should be tried as an adult. Our legal system has not kept pace with a changing society if it does not account for the ability of teens to act maturely and understand the consequences of their actions.

Karen's law will speed trials for the accused and grant victims' families an earlier chance at much-needed closure. It is an essential piece of legislation that I feel you must pass.

Thank you for your service to our state,

Sarah Marston Bogdanovich  
Nu'uuanu, Oahu

---

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## karamatsu3-Leanne

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**From:** Jonathan Glaser [jonglaser8@hotmail.com]  
**Sent:** Thursday, February 05, 2009 7:41 AM  
**To:** JUDtestimony  
**Subject:** Karen's Law: Bill 819

**Categories:** Orange Category

I am in support of House Bill 819 "Karen's Law". I feel it necessary that minors be tried as adults that have consciously planned and made the decision to end another's life. By implementing this law I feel our judicial system will work more efficiently by removing the pre-trial waiver hearing that has proven to only be a long drawn out time consuming process that keeps all parties involved in a state of limbo. Thank you for your time and effort in support of this bill.

Mahalo,  
Jonathan Glaser

## karamatsu3-Leanne

---

**From:** Eric Martin [ezmartin@mac.com]  
**Sent:** Thursday, February 05, 2009 10:21 AM  
**To:** JUDtestimony  
**Subject:** Karen's Law

**Categories:** Orange Category

I am in favor of Karen's Law.  
Please pass it and help protect Hawaii citizens.  
Eric Martin  
94590 Holaniku St  
Mililani Hi 96789

**karamatsu3-Leanne**

---

**From:** Valerie Callahan [bastileday714@yahoo.com]  
**Sent:** Thursday, February 05, 2009 11:12 AM  
**To:** JUDtestimony  
**Subject:** Fw: Karen Ertell's murder

**Categories:** Orange Category

Smile at a star

--- On **Mon, 2/2/09, Valerie Callahan** <[bastileday714@yahoo.com](mailto:bastileday714@yahoo.com)> wrote:

From: Valerie Callahan <[bastileday714@yahoo.com](mailto:bastileday714@yahoo.com)>

Subject: Karen Ertell's murder

To: [hustestimony@capitol.hawaii.gov](mailto:hustestimony@capitol.hawaii.gov)

Date: Monday, February 2, 2009, 12:55 PM

To All Concerned Law Makers;

Karen's law will be the simplest thing you can do in your legislative session for 2009. You don't need any major research done, the facts are plain and simple. You kill you go to jail.

You kill when you are young you go to jail. Any 15-17 year old knows right from wrong. MURDER IS WRONG. Let the children and young adults of today know you are serious about changing the crime in Hawaii.

Valerie Callahan

## karamatsu3-Leanne

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**From:** Sarah Hunt  
**Sent:** Monday, February 09, 2009 9:26 AM  
**To:** JUDtestimony  
**Subject:** FW: HB819

Members of the Committee:

My name is Malanie McLellan and I am Karen Ertell's daughter. I am writing in support of HB819.

I found my mother's body when I was 9 months pregnant with the grandson she will never meet. She had been brutally attacked, raped, beaten, robbed and finally strangled to death. The police describe the attack as "very well planned, very well executed and very well covered up". These are not the actions of a child but of a mature minded juvenile who will now face trial as an adult.

It took 15 long months before it was even determined whether her killer would be tried as a juvenile or as an adult for his crimes. These 15 long months were horrible. Day after day wondering when and if justice would be served. I would not wish this on anyone. It felt like we had been victimized yet again, only this time by the judicial system. The waiver hearing system in place for juveniles works for petty crimes but is not efficient for heinous crimes like 1st and 2nd degree murder. It is an enormous waste of manpower and taxpayer money.

Some opponents to this bill argue that the juvenile may have mental health issues in these cases but that is a moot point. Adults also have mental health issues in murder trials and those circumstances are taken into account regardless of whether it is a juvenile or adult case. The individual who committed the crime will still be allowed a fair trial and a chance to prove their innocence or guilt, and will also have a chance to present their own unique circumstance to the Judge and jury.

We are not talking about children, we are talking about 15-17 year olds who know right from wrong. What will it take before Hawaii sends the message that premeditated murder will not be tolerated? My mother's killer told his father and the police that part of the reason he kept up his criminal behavior is because he knew he could get away with it.

I urge you to please pass this bill to keep Hawaii safe and to prevent other families from having to go through what we went through.

Thank you for your consideration.

Malanie A.S. McLellan

**karamatsu3-Leanne**

---

**From:** Patty [alohapatty@hawaii.rr.com]  
**Sent:** Friday, February 06, 2009 8:58 PM  
**To:** hunt@capiol.hawaii  
**Cc:** JUDtestimony  
**Subject:** Karen's Law Supporter HB819

To the State of Hawaii Legislators and Judiciary Officials,

As a Ewa Beach resident and citizen of this state, I fully support Karen's Law bill. It was a tragedy what occurred to Ms. Karen Ertell. We, as a community, need to take the responsibility in passing this law to define the consequences for young people committing such heinous crimes. It is so sad that one of our young people in the community would commit such a monstrous crime against another person, especially an elderly person. We have so many elderly in our community. They should not feel threaten or scared by our youth.

No one can image what Ms. Ertell went through or what her family has had to endure. I hope Karen Law's bill passes - to send a loud and clear message **THAT THIS TYPE OF CRIME BY ANY YOUNG PERSON WILL NOT BE TOLERATED AND IF COMMITTED HE/SHE WILL FACE SERIOUS CONSEQUENCES.**

Respectfully,

\*\*\*\*\* \*\*\*\*\*

808-497-3230

**karamatsu3-Leanne**

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**From:** EArakaki [arakakie003@hawaii.rr.com]  
**Sent:** Sunday, February 08, 2009 10:00 AM  
**To:** JUDtestimony  
**Subject:** HB819

House Judiciary Committee  
Honorable Rep. Jon Riki Karamatsu, Chairman  
February 10, 2009  
HB819

Testimony by  
Marge Akana

91-037 Amio Street, Ewa Beach, HI., 96706, Ph. (h) 689-5355

I am in support of House Bill 819.

I believe Hawaii citizens below the age of 18 who commit heinous crimes should automatically be remanded to adult court where it will be determined whether or not the accused would remain for trial or be sent to juvenile court for disposition. It is done in other states, and Hawaii should do likewise.

The protection of the community should be governments first responsibility.

I live two doors away from Karen Ertell's home.

I used to see the suspect walk past my home all the time. I couldn't read his mind.

However, I now know what kind of mind he has. The evidence at the crime scene speaks volumes about his the mind set. And, of those who commit such atrocious crimes.

Young people who are convicted of such crimes need to be separated from the community for a very, very long time. Not for the good of the accused, but for the citizens and the honest people.

Do you want people like the suspect in the Karen Ertell case to be your neighbor in a few short years? I certainly don't.

Please pass House Bill 819.

Mahalo,

/s/ Marge Akana



**karamatsu3-Leanne**

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**From:** EArakaki [arakakie003@hawaii.rr.com]  
**Sent:** Sunday, February 08, 2009 10:27 AM  
**To:** JUDtestimony  
**Subject:** Testimony in favor of hb819

House Judiciary Committee  
Honorable Rep. Jon Riki Karamatsu, Chairman  
February 10, 2009  
HB819

Testimony by  
Earl Arakaki

91-030 Amio Street, Ewa Beach, HI., 96706, Ph. (h) 689-3400

I support of House Bill 819.

Primary government concern is the protection of it's citizens.

I live in the immediate neighborhood of Karen Ertell, and her accused killer. What occurred at the victims home came as a shock to myself and neighbors. What happened to Ms. Ertell could have happened in anyone of our homes. In this case the accused rightfully will be tried in Circuit Court, but only after months, and months of anguish, guessing what the Family Court would decide.

Surely as there are evil people young and old in Hawaii, heinous crimes will be in our future. The State of Hawaii needs to send the message that perpetrators no matter their age will be dealt with severely in adult court.

Maximum penalties under law will ensure suspects young or old who are convicted of such crimes will be separated from the community for a very, very long time. Not for the good of the accused, but for the good and piece of mind of honest citizens.

Please pass House Bill 819.

Mahalo,

/s/Earl Arakaki

## **karamatsu3-Leanne**

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**From:** H. William Burgess [hwburgess@hawaii.rr.com]  
**Sent:** Sunday, February 08, 2009 12:52 PM  
**To:** JUDtestimony  
**Subject:** House Bill 819

The Honorable Representative Jon Riki Karamatsu, Chairman  
and Members, House Judiciary Committee

Aloha Chairman Karamatsu and Members:

My wife and I support House Bill 819. We have family and close friends who live in the neighborhood where Karen Ertell was murdered by a teen-aged boy. That case is rightfully being tried in Circuit Court, but only after months and months of anguish and uncertainty. House Bill 819 won't bring back Karen Ertell but it will eliminate the uncertainty about the consequences of such heinous crimes.

Juveniles on ice can no longer murder without fear of long-term consequences. It will ensure that perpetrators, young or old, convicted of first or second degree murder will face the full penalty of the law.

Please support House Bill 819. Mahalo and

Very truly yours,

/s/ H. William Burgess

/s/ Sandra Puanani Burgess

H. William Burgess & Sandra Puanani Burgess

Honolulu, Hawaii 96822

Tel: (808) 947-3234

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Cell: (808) 372-3800

**karamatsu3-Leanne**

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**From:** Michael Uechi [muechi808@gmail.com]  
**Sent:** Sunday, February 08, 2009 5:15 PM  
**To:** JUDtestimony  
**Cc:** Sarah Hunt  
**Subject:** Karen's Law

Judiciary Committee:  
[JUDtestimony@capitol.hawaii.gov](mailto:JUDtestimony@capitol.hawaii.gov)

February 8, 2009

Dear Sirs,

Without question, I feel that Karen's Law should be implemented. Anyone who commits a heinous crime, regardless of age should receive punishment fitting the crime.

Individuals that intentionally commit murder, especially commit murder to torture and to hurt the victim in my opinion have shown that they have no redeeming qualities and will always be a threat to others.

Karen's Law will also give the family of the victim reassurance that a just and equitable punishment will be delivered by the court.

Michael Uechi, M.D.

Cc: Rep. Pines office email:  
[hunt@capitol.hawaii.gov](mailto:hunt@capitol.hawaii.gov)

**karamatsu3-Leanne**

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**From:** madmonk@hawaiian.net  
**Sent:** Sunday, February 08, 2009 10:46 PM  
**To:** JUDtestimony  
**Subject:** HB 819

We strongly support Kimberly's Law (HB 819). Many juveniles commit major crimes because they know that, if caught, they'll get a virtual slap on the wrist. Criminal gangs often take advantage of this, sending teenagers out as assassins or drug mules. Thus we support the measure not only as an action against individuals, but as one against the gangs that plague our nation. We believe Kimberly's Law would have a significant deterrent effect against juvenile offenders.

Cordially,

William & JoAnne Georgi  
PO Box 51040  
Ele'ele, HI 96705  
[madmonk@hawaiian.net](mailto:madmonk@hawaiian.net)

**karamatsu3-Leanne**

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**From:** Shauna C [ssshhauna@gmail.com]  
**Sent:** Monday, February 09, 2009 7:58 AM  
**To:** JUDtestimony  
**Subject:** Karen's Law

"I support Karen's Law" or "In favor of House Bill 819" Please let me know if you need any more information.

Shauna Conry  
Resident Of Kailua, HI

## karamatsu3-Leanne

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**From:** Angela [thinkmiracles@hawaiiantel.net]  
**Sent:** Monday, February 09, 2009 9:20 AM  
**To:** JUDtestimony  
**Subject:** Karen's Law

*I am sending this submitted testimony in support of Rep. Pine's effort to establish Karen's Law HB819. I am an Ewa Beach resident also who can no longer enjoy my leisurely walk around the community knowing people are going around raping and killing innocent victims because there is no proposed punishment for them to reconsider their thoughts. I fully agree that anyone doing these horrible acts of violence should be punished for the crime they commit regardless of their age! It is utterly ridiculous to reduce punishment for a crime committed just because the offender is a juvenile. The lesson or message you're sending out in that perspective is that they can do these crimes as juveniles and get away with it. So they continue on this path until they become an adult and by that time their minds are beyond logical thinking and it becomes their way of life, thanks to the judicial system that refused to punish a crime for what it really is despite the criminal's age!*

*I believe you were put in office for a reason... to better the community, to make this world a safer place.*

*Respectfully,*

*L. Angela Cacho*

*Angela (Rico)*

**karamatsu3-Leanne**

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**From:** Dave Verret [twocajuns@mac.com]  
**Sent:** Monday, February 09, 2009 9:36 AM  
**To:** JUDtestimony  
**Subject:** Karen's Law Testimony

Aloha,

I am David A Verret, of Mililani.

I am testifying IN FAVOR OF Karen's law. My reasons for doing so are simple. It will help protect innocent people when such offenders know that there will be more serious consequences. Our society is rapidly taking away this idea of responsibility and consequences for our actions. You can change that. And if this law protects just ONE innocent woman, then it will have been worth the effort.

David Verret  
623-9466

**karamatsu3-Leanne**

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**From:** Julie [juliebean@gmail.com]  
**Sent:** Wednesday, February 04, 2009 12:58 PM  
**To:** JUDtestimony  
**Subject:** I support Karen's Law  
  
**Categories:** Orange Category



5  
**karamatsu3-Leanne**

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**From:** Gina Longoria [ginalongoria@hotmail.com]  
**Sent:** Wednesday, February 04, 2009 1:36 PM  
**To:** JUDtestimony  
**Subject:** In favor of house bill 819

**Categories:** Orange Category

Sent from my Verizon Wireless BlackBerry

**karamatsu3-Leanne**

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**From:** vanrana@hotmail.com  
**Sent:** Monday, February 09, 2009 1:38 PM  
**To:** JUDtestimony  
**Subject:** Karen's Law

Please pass Karen's Law for the protection of law-abiding citizens. The Hawaii State Legislature is quick to deny citizens the right to protect themselves but is slow to pass laws to protect them. This legislature is always ready to deny us our Second Amendment rights and is even going so far as to try to ban pocket knives! When will it start coming down hard on criminals? Why are you constantly punishing law-abiding citizens for the criminal acts of violent criminals? Do you really want to protect violent juveniles by sacrificing innocent victims. People who can commit crimes as vicious as those identified in this bill are not children and do not deserve to be treated as children.

Terry M. Allard  
91-179 Makale'a Street  
Ewa Beach 96706  
Phone: 685-3430  
[vanrana@hotmail.com](mailto:vanrana@hotmail.com)

**karamatsu3-Leanne**

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**From:** April Ohara [aprilsohara@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 9:49 AM  
**To:** JUDtestimony  
**Subject:** Fw: HB819

--- On Mon, 2/2/09, April Ohara <[aprilsohara@yahoo.com](mailto:aprilsohara@yahoo.com)> wrote:

> From: April Ohara <[aprilsohara@yahoo.com](mailto:aprilsohara@yahoo.com)>  
> Subject: HB819  
> To: [hustestimony@capitol.hawaii.gov](mailto:hustestimony@capitol.hawaii.gov)  
> Date: Monday, February 2, 2009, 10:05 AM I support Karen's Law House  
> Bill 819 because people need to be responsible for their behavior in  
> our society.  
>  
> April S. Ohara

**karamatsu3-Leanne**

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**From:** Andrew McLellan [andrewjmclellan@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 9:51 AM  
**To:** JUDtestimony  
**Subject:** Fw: HB819

--- On Mon, 2/2/09, Andrew McLellan <[andrewjmclellan@yahoo.com](mailto:andrewjmclellan@yahoo.com)> wrote:

> From: Andrew McLellan <[andrewjmclellan@yahoo.com](mailto:andrewjmclellan@yahoo.com)>  
> Subject: HB819  
> To: [hustestimony@capitol.hawaii.gov](mailto:hustestimony@capitol.hawaii.gov)  
> Date: Monday, February 2, 2009, 2:05 PM To Whom it May Concern:  
>  
> My name is Andrew McLellan and I am Karen's son-in-law.  
> I am writing in support of HB819.  
>  
> I discovered my mother-in-law's body with my wife after she had been  
> murdered. We expected justice to be swift.  
> Instead, we waited for 15 months for a waiver hearing that only  
> determined that Vernon Bartley would be tried as an adult for his very  
> adult crime. This wait was a waste of time and money, and prolonged  
> the grieving of Karen's family and friends.  
>  
> The waiver hearing process is sufficient for petty crimes but not for  
> calculated murder. This should be a given.  
> 15-17 year olds are mature enough to be emancipated in the state of  
> Hawaii, yet why do we not hold them accountable for something as  
> serious as planned murder?  
>  
> Please pass this bill.  
>  
> Thank you very much.  
>  
> Aloha,  
>  
> Andrew J. McLellan