

## FINTestimony

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**From:** Sarah Hunt  
**Sent:** Thursday, March 05, 2009 1:33 PM  
**To:** FINTestimony  
**Subject:** FW: Karen'a Law Testimony/PLEASE ADVISE MALANIE

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 Nakoa 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 than 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 of this type of Juvenile Crime and wants to be safe.

Thank you for your time and consideration in this Bill.

Kevin P. Callahan .

## **FINTestimony**

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**From:** Sarah Hunt  
**Sent:** Thursday, March 05, 2009 1:30 PM  
**To:** FINTestimony  
**Subject:** FW: Karen's Law HB819  
**Importance:** High

### **Sarah Ann Hunt**

*Chief of Staff to*

### **Representative Kymberly Marcos Pine**

*Minority Floor Leader*

*43rd Representative District*

*P: (808) 586-9730*

*F: (808) 586-9738*

*E: [hunt@capitol.hawaii.gov](mailto:hunt@capitol.hawaii.gov)*

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**From:** St.Pierre [<mailto:stpierree001@hawaii.rr.com>]  
**Sent:** Wednesday, March 04, 2009 9:18 AM  
**To:** Rep. Marilyn Lee  
**Cc:** Sarah Hunt  
**Subject:** Karen's Law HB819  
**Importance:** High

Please, we ask that you hear & support the above bill, or, waive it from the finance committee.

We are all supporters of the above bill, but we NEED YOUR help in passage of this bill.

Aloha

Edward & Marie A. L. St Pierre, R-GRI  
Ewa Beach, HI

Marie A. L. St. Pierre, R-GRI dba Aneka Realty  
PO Box 2580, Ewa Beach, HI 96706-0580  
Tel: (808) 689-4314; Fax (808) 689-4501; (c) 808-225-2863  
email: [Aneka001@hawaii.rr.com](mailto:Aneka001@hawaii.rr.com)

## **FINTestimony**

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**From:** Sarah Hunt  
**Sent:** Thursday, March 05, 2009 1:31 PM  
**To:** FINTestimony  
**Subject:** Fw: 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)

## **FINTestimony**

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**From:** Sarah Hunt  
**Sent:** Thursday, March 05, 2009 1:32 PM  
**To:** FINTestimony  
**Subject:** FW: Karen's Law

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)

**FINTestimony**

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**From:** Sarah Hunt  
**Sent:** Thursday, March 05, 2009 1:33 PM  
**To:** FINTestimony  
**Subject:** FW: HB 819

**Sarah Ann Hunt**

*Chief of Staff to*

**Representative Kymberly Marcos Pine**

*Minority Floor Leader  
43rd Representative District  
P: (808) 586-9730  
F: (808) 586-9738  
E: hunt@capitol.hawaii.gov*

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**From:** Marc Witter [mailto:mwitter@heinrich.com]  
**Sent:** Wednesday, February 04, 2009 9:55 AM  
**To:** Sarah Hunt  
**Subject:** HB 819

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.

## **FINTestimony**

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**From:** Sarah Hunt  
**Sent:** Thursday, March 05, 2009 1:32 PM  
**To:** FINTestimony  
**Subject:** House Bill 819

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  
Fax: (808) 947-5822  
Cell: (808) 372-3800

## FINTestimony

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**From:** Sarah Hunt  
**Sent:** Thursday, March 05, 2009 1:33 PM  
**To:** FINTestimony  
**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



## **FINTestimony**

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**From:** Sarah Hunt  
**Sent:** Thursday, March 05, 2009 1:29 PM  
**To:** FINTestimony  
**Subject:** FW: Testimony HB 819

**Sarah Ann Hunt**  
*Chief of Staff to*

**Representative Kymberly Marcos Pine**  
*Minority Floor Leader*  
*43rd Representative District*  
*P: (808) 586-9730*  
*F: (808) 586-9738*  
*E: hunt@capitol.hawaii.gov*

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**From:** John Gallagher [mailto:gallaghej002@hawaii.rr.com]  
**Sent:** Wednesday, March 04, 2009 9:48 PM  
**To:** Rep. Marcus Oshiro; Rep. Marilyn Lee  
**Cc:** Rep. Kymberly Pine  
**Subject:** Testimony HB 819

Aloha,

Chair Marcus Oshiro, Vice-Chair Marilyn Lee, and members of the Finance Committee:

Mahalo for the opportunity to testify on House Bill 819 that allows minors ages 15-17 to be tried as adults in cases of first and second degree murder.

I am testifying **for** this bill because:

Society has changed. Many young teens have grown up with too many freedoms and have a different attitude towards other people. Discipline has been lacking in their lives; however, they know what is right or wrong but throw disregard to the wind. They also know that under current law, they can get away with murder with nothing more than a slap on the hand. It is time to change our laws to make the commission of serious crimes committed by youth that result in death of an innocent victim punishable the same as an adult. When death is the result, the victim's family is the one to suffer. The youthful individual that commits the crime can shrug it off knowing that they may receive some jail time but not for long. This is wrong and must be corrected. Passage of HB 819 will go a long way to even the stakes and give the victim's family some relief that the offender will not do the same thing again for several years if tried as an adult.

This bill needs to be heard now. It is past time that this should have been initiated years ago.

Mahalo for allowing me to testify.

John P. Gallagher  
91-893 Nohoihoewa Pl  
Ewa Beach, HI 96706

[gallaghej002@hawaii.rr.com](mailto:gallaghej002@hawaii.rr.com)

3/5/2009

## **FINTestimony**

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**From:** Sarah Hunt  
**Sent:** Thursday, March 05, 2009 1:32 PM  
**To:** FINTestimony  
**Subject:** Karen's Law

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

**From:** Sarah Hunt <hunt@capitol.hawaii.gov>  
**Date:** Fri, 6 Feb 2009 17:27:54 -1000  
**Subject:** Karen's Law gets a hearing date in Judiciary! Please help and testify!!!

3/5/2009

Aloha friends and neighbors!

We finally have a date set for Karen's Law to be heard in Judiciary. **Karen's Law is scheduled to be heard by JUD on Tuesday, 02-10-09 2:00pm in House conference room 325.** Please support Representative Kymberly Pine and send us testimony or call if you can come in person.

As you may have noticed from the local news channels, Karen's Law (HB819) has been reintroduced by Representative Kymberly Pine and Representative John Mizuno this year. Karen's Law ( *I have also attached a recent press release in regards to Karen's Law for more information*), originally introduced in 2008 by Representative Pine per request from Karen Ertell's family, was not passed due to resistance from the Chair of Judiciary. Being that Karen's Law is now a make-up of bi-partisan support, the likelihood of it passing at the State Legislature for 2009 is that much greater! However, we are still facing resistance from some of the majority members and will need to have strong support from the community to see this bill through and hold our politicians accountable for their voting.

As you know, Karen Ertell, a past Ewa Beach constituent, was allegedly raped and murdered by her 15-year neighbor. Karen's Law proposes that heinous juvenile offenders that commit murder in the 1st or 2nd degree, be automatically waived to be tried as adults. This would not only propose harsher crime penalties for the offender, and therefore make the likelihood of an orchestrated murder less desirable, but more importantly, save the family from going through two grueling trials, as Malanie McLellan is having to be of witness to right now. If not anything else, Karen's Law will also save the State money in cutting down the court proceedings to one. Karen Ertell is no longer with us today, but her memory may live on forever to protect other victims' families from going through the trauma that Karen Ertell's family had to. Victim's have rights too. Let's create a safer environment for the people of Hawaii and stand up for our Victims! Please send us your support in the form of a testimony, by either submitting a written version or coming in personally to help pass the crucial and much needed law. Together, we can all make a difference in creating a better quality of life for Hawaii!

*Please submit testimonies to*

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

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

*If you are able to come in person on Tuesday, February 10, 2009 please contact Sarah Hunt @ 586-9730.*

***Karen's Law Status:***

***Passed out of Human Services Committee as a HD1 and is moving on to Judiciary!***

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

Thank you,

Sarah Hunt

**Sarah Ann Hunt**  
*Chief of Staff to*

**Representative Kymberly Marcos Pine**  
*Minority Floor Leader*  
*43rd Representative District*  
*P: (808) 586-9730*  
*F: (808) 586-9738*  
*E: [hunt@capitol.hawaii.gov](mailto:hunt@capitol.hawaii.gov)*

March 5, 2009

TESTIMONY IN SUPPORT FOR HB 819 HD 2

Aloha Chair Oshiro, Vice Chair Lee, and members of the committee,

My name is **Kristy Kotrys** and I am testifying in SUPPORT of this bill. Karen Ertell's murder happened in my community. As a resident of Ewa Beach, I strongly believe this bill will not only protect the people of Hawaii, but it will also help serve justice to victim's families and give them closure so they can finally move on with their lives.

This bill targets a very small group of people (minors aged 15-17) who commit very heinous crimes (first and second degree murder).

Please representatives, let us move this measure forward so that we can finally give Karen Ertell's family some closure, so that they may move on and realize that their loved one did not die in vain.

Thank you for the opportunity to testify.

FIANANCE COMMITTEE TESTIMONY FOR KAREN'S LAW HB819

03/05/2009

Aloha Chair Oshiro and House Finance Committee.

I'm Dan Douglass a Salt Lake resident who is concerned about the recent spike in the amount of and severity of crime in my neighborhood.

The recent offenses have been by offenders mostly in their teens to early 20s.

Karen's Law is the kind of legislation that would signify to such offenders that our state is serious about keeping the peace in our streets and homes.

I ask you to fully support HB819.

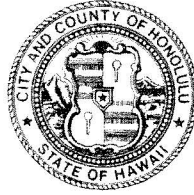
Mahalo.

Daniel Douglass  
3030 Ala Farm St. #1103  
Hendeville, UT 84018  
295-0783

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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

MUFI HÄNNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL D. PUTZULU  
KARL A. GODSEY  
DEPUTY CHIEFS

OUR REFERENCE RR-NTK

March 5, 2009

The Honorable Marcus R. Oshiro, Chair  
and Members  
Committee on Finance  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Oshiro and Members:

Subject: House Bill No. 819, H.D. 2, 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. 2, 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 victims' families deserve closure and justice, and justice delayed is justice denied.

The Honorable Marcus R. Oshiro, Chair  
and Members  
Page 2  
March 5, 2009

The Honolulu Police Department urges you to support House Bill No. 819,  
H.D. 2, 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