

**TESTIMONY OF THE STATE ATTORNEY GENERAL  
SECOND SPECIAL SESSION OF 2007  
TWENTY-FOURTH LEGISLATURE**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2, RELATING TO SENTENCING.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND LABOR

**DATE:** Monday, October 29, 2007 **TIME:** 2:45 PM

**LOCATION:** State Capitol, Room 229  
*Deliver to: Committee Clerk, Room 219, 1 copy*

**TESTIFIER(S):** Mark J. Bennett, Attorney General  
or Lance Goto, Deputy Attorney General

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Chair Taniguchi and Members of the Committee:

The Department of the Attorney General is in strong support of this measure.

The purpose of this bill is to amend Hawaii's extended term sentencing law in order to address the recent decision of the Hawaii Supreme Court in State v. Maugaotega, \_\_\_ P.3d \_\_\_, 2007 WL 2823760, Oct. 1, 2007 (No. 26657), which held that statutes governing Hawaii's extended term sentencing were unconstitutional because the factual findings to support an extended term must be made by a jury. The decision was based on a series of recent federal court opinions and rulings on the Sixth Amendment right to a jury trial in certain enhanced sentencing proceedings. Passage of this bill is necessary so that we can continue to impose extended sentences on some of Hawaii's worst criminals. Cases like Maugaotega are being sent back for resentencing. But without the legislation proposed in this bill, Maugaotega and others like him, will not be subject to an extended term.

On Friday, October 19, 2007, pursuant to the Maugaotega decision, the Hawaii Supreme Court remanded the case of State v. Michael Soma (No. 27634) to the trial court for resentencing after vacating the extended term sentence that had been previously imposed. Other cases are also facing resentencing on the extended term issue.

The appellate decisions in Apprendi v. New Jersey, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000), Blakely v. Washington, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004), United States v. Booker, 543 U.S. 220, 125 S. Ct. 738, 160 L. Ed. 2d 621 (2005), and Cunningham v. California, 549 U.S. \_\_\_, 127 S. Ct. 856, 166 L. Ed. 2d 856 (2007), held that any fact, other than prior or concurrent convictions, that increases the penalty for a crime beyond the ordinary statutory maximum must be submitted to a jury and proved beyond a reasonable doubt.

The Hawaii Supreme Court, in its Maugaotega decision, followed those appellate decisions and held that statutes governing Hawaii's extended term sentencing were unconstitutional because the procedure used under Hawaii's laws required a judge rather than a jury to find facts other than those of prior or concurrent convictions to enhance a defendant's sentence beyond the ordinary or standard term authorized by the jury's verdict. The opinion further noted that although the Hawaii Supreme Court has the inherent authority to empanel juries for the purpose of making findings of facts necessary for the imposition of an extended term of imprisonment, the Hawaii Supreme Court declined to exercise that authority given the Legislature's intent expressed in prior legislation that addressed the effect of the Apprendi, Blakely, and Booker cases on Hawaii's extended term law and the Hawaii Supreme Court's desire to avoid encroaching on the Legislature's authority to set policy and pass laws to carry such policies out.

The end result of these cases is that the ability of the state courts to impose an extended term of imprisonment upon a discrete class of defendants is critically impaired and that convicted persons who pose a danger to the public may not be sentenced to an extended term of imprisonment even though such a term is both appropriate and necessary. There is a compelling need to amend Hawaii's extended term sentencing statutes by making amendments to the procedures used to impose extended terms of imprisonment, such

that the procedures shall comply with the dictates of case law set forth by the United States Supreme Court.

The statutory amendments should apply to all sentencing or resentencing proceedings pending on or commenced after the effective date of this legislation, whether or not the instant offense was committed prior to the effective date, so that extended term offenders may be resentenced in compliance with the Appendi, Blakely, Booker, Cunningham, and Maugaotega cases.

Retroactive application of these procedural sentencing amendments is constitutional. There is no ex post facto violation. Although the State Constitution does not incorporate an ex post facto clause, pursuant to the Federal Constitution, "Legislatures may not retroactively alter the definition of crimes or increase the punishment for criminal acts." Collins v. Youngblood, 497 U.S. 37, 43 (1990). This bill does not subject any defendant to additional punishment or other disadvantage.

Because of new constitutional requirements imposed by the United States Supreme Court, the proposal in this bill actually imposes a more significant burden on the prosecution than under past and current law. Pursuant to this bill, a jury must determine that all of the criteria for extended term sentencing--including that such imprisonment is necessary for the protection of the public--has been proven beyond a reasonable doubt, the highest burden of proof in law.

Courts from other respected jurisdictions have expressly held that retroactively applied post-Appendi jury sentencing statutes are not ex post facto. See, Hankerson v. State, 723 N.W.2d 232, 242 (Minn. 2006) ("a change affecting the identity of the fact finder is procedural and thus is not burdened by ex post facto restrictions"); People v. Crutchfield, 820 N.E.2d 507, 517 (Ill. App. 2004) ("The procedural change required by the statute [for finding an aggravating factor for an enhanced sentence] did not violate the ex post facto provisions of the United States Constitution"); State v.

Upton, 125 P.3d 713, 719 (Or. 2005) (en banc) (statutory amendment was not ex post facto because it "changes only the method for determining the available punishment; it does not, however, increase that punishment").

We also note that strong evidence that the Hawaii Supreme Court would find the proposed retroactivity constitutional flows from the Maugaotega decision itself, in which the Hawaii Supreme Court indicated it had the inherent authority to impanel juries for resentencing, but was not going to exercise that authority and instead was going to leave the issue to the Legislature. If *resentencing* utilizing juries was unconstitutional, Maugaotega could not have been written or reasoned as it was.

Hawaii simply cannot afford to be without a constitutional extended term system because extended terms are necessary for the protection of the public to keep dangerous criminals off the streets. Dangerous criminals like the following:

Donald Marks. Marks was on parole for sex assault (where he raped a young teen age baby sitter) when he arranged a "date" with the victim, who was a prostitute. The evidence indicates that Marks raped the victim, strangled her to death, then dismembered her in the bathroom. He cut off her forearms and head and placed the body parts into trash bags. While moving a car to the basement to transport and dispose of the body parts, the victim's boyfriend discovered the grisly scene and called police. Marks pled to Murder in the Second Degree and was sentenced to an extended term of life without parole as a persistent offender due to his previous sex assault conviction.

James Thompson. Thompson, also known as the Mililani Rapist, kidnapped five young girls in the Mililani area whom he subjected to sexual touching and sexual penetration. He was convicted of seven counts of Sexual Assault in the First Degree, for sexual penetration by strong compulsion (punishable by twenty years imprisonment for each count); two counts of Attempted Sexual Assault in the First

Degree (punishable by twenty years imprisonment for each count); eleven counts of Sexual Assault in the Third Degree, for sexually touching the girls (punishable by five years imprisonment for each count); and two counts of Kidnapping with the intent to inflict bodily injury or subject to a sexual offense (punishable by ten years imprisonment for each count). The trial court's order granting the State's motion to sentence Thompson to extended terms of imprisonment effectively doubled each of the penalties above.

Richard Blaisdell. Blaisdell moved here from the mainland in the late 1980's and purchased a home in Waianae. There he befriended "throw away" kids, whose parents did not supervise or care about them. He sexually assaulted six children, subjecting them to acts of penetration and fondling. He was also convicted of Terroristic Threatening in the First Degree as to a seventh child. The Circuit Court severed the cases into two separate trials - three children the subjects in one trial, and four children the subjects in the other trial. Blaisdell was convicted of multiple class A felonies, and sentenced to extended life sentences. If he had not received extended terms, he would have been sentenced to ordinary 20-year terms.

Miti Maugaotega committed 22 felonies, including Attempted Murder in the Second Degree, Robbery in the First Degree, Burglary in the First Degree, Use of a Firearm in the Commission of a Felony, Sexual Assault in the First Degree, Assault in the Second Degree, and Promoting Prison Contraband. He is facing resentencing in five separate cases for which he was originally sentenced to an extended term in each case.

Rodney Lanosa was originally sentenced to extended terms for his convictions for Sexual Assault in the First Degree, Attempted Sexual Assault in the First Degree, Kidnapping, Robbery in the First Degree, and Burglary in the First Degree. Lanosa had preyed on older women, particularly those living alone. He broke into their homes, sexually assaulted them, and robbed them. The extended term

sentences have been set aside. After other issues are resolved on appeal, he will be facing resentencing.

In 1999, Wayman Kaua had a hostage stand-off with HPD officers during an execution of a warrant for his arrest. An entire community in Pacific Palisades was impacted by the standoff. In the words of the sentencing judge, a tranquil community was transformed into a war zone. At the time, Kaua was a three-time violent felon who was on parole for a very similar incident involving a firearm and hostages in the early '90s. He also had a previous conviction for Robbery in the Second Degree.

Upon arrest after the stand-off, Kaua was convicted of Attempted Assault in the First Degree, Reckless Endangering in the First Degree, Attempted Manslaughter, two counts of Kidnapping (class B), Unlawful Imprisonment in the Second Degree, Terroristic Threatening in the First Degree, Felon in Possession, three counts of Reckless Endangering in the First Degree, and Use of a Firearm in the Commission of a Separate Felony.

He was sentenced to extended terms of imprisonment on three of the above counts, two of which resulted in an extension from 20 years to a life term with the possibility of parole. However, as a result of federal court rulings, he was resentenced to the ordinary terms of imprisonment.

Paul Keck sexually touched an eight-year-old girl several times on one occasion and a nine-year-old girl on a separate occasion, generating two separate criminal complaints. In Criminal No. 04-1-0871, Keck was charged with four counts of Sexual Assault in the Third Degree (punishable by five years imprisonment), two counts of Attempted Sexual Assault in the Third Degree (punishable by five years imprisonment), and one count of Sexual Assault in the Fourth Degree (punishable by one year imprisonment). In Criminal No. 04-1-1525, Keck was charged with two counts of Sexual Assault in the Third Degree (punishable by five years imprisonment). Keck pled guilty to the charges in the two criminal numbers. The trial court

sentenced Keck as a "multiple offender" to extended terms of imprisonment in both criminal numbers - ten years imprisonment as to each of his Sexual Assault in the Third Degree convictions. After resentencing without extended terms, he would likely be subject to only five-year terms of imprisonment.

John Koa Lorenzo, Jr. pled no contest to Promoting a Dangerous Drug in the Second Degree (punishable by ten years imprisonment), and Unlawful Use of Drug Paraphernalia (punishable by five years imprisonment), with the understanding he could be sentenced to extended terms of imprisonment of twenty years and ten years, respectively. The court sentenced Lorenzo to twenty-year and ten-year extended terms of imprisonment as a "persistent offender" due to his two prior Promoting a Dangerous Drug in the Second Degree convictions, and ordered that the sentences be served consecutively, for a total of thirty years of imprisonment. After resentencing without extended terms, Lorenzo will be subject to a fifteen-year term of imprisonment. This is the same Lorenzo who is currently on trial for the February 10<sup>th</sup>, 2007 murder of Deputy Sheriff Daniel Browne-Sanchez in a bar. Lorenzo entered the bar from its kitchen entrance wearing a flack jacket and carrying a semi-automatic firearm to which was attached a silencer.

This is just a sampling of the defendants whose criminal actions are so extensive as to necessitate extended terms of imprisonment for the protection of the public, but most of these defendants will not receive the appropriate sentences if our law is not amended as provided in this bill.

We respectfully request the passage of this measure to give Hawaii a viable and constitutional extended term sentencing law that will enable the imposition of extended terms of imprisonment for Hawaii's most dangerous criminals.

Testimony on behalf of the  
Office of the Public Defender, State of Hawai'i  
to the Senate Committee on Judiciary and Labor

October 29, 2007

RE: H.B. 2: Relating To Sentencing.

Senator Taniguchi and Members of the Committee:

H.B. 2 addresses Hawaii's procedural extended term sentencing statute with changes designed to bring Hawaii Revised Statutes (HRS) § 706-662 into compliance with a string of recent United States and Hawaii Supreme Court rulings. We support the provisions that set up the procedure to be followed in applying the new law. We oppose those portions of the proposed bill that attempt to apply the law retroactively.

The line of United States Supreme Court decisions stretching from Apprendi v. New Jersey, 530 U.S. 466 (2000), Blakeley v. Washington, 524 U.S. 296 (2004), and Cunningham v. California, 127 S.Ct. 856 (2007) to Frank v. Kawa, \_\_\_\_ S. Ct. (2007) WL 506822, 74 USLW 3687, 75 USLW 3021 (U.S. Feb. 20, 2007) (NO. 05-1536) and State v. Mugaotega, \_\_\_\_ P.3d \_\_\_\_, 2007 WL 2823760 (Haw. 2007) ("Mugaotega") deals with the procedure to be used in sentencing a person to a penalty beyond the ordinary statutory maximum term. In a nutshell, that line of cases establishes that a jury, rather than a judge, must determine that the criteria subjecting a defendant to an extended term has been proven beyond a reasonable doubt.

We do not object to the portions of the bill designed to bring our extended term statutes into procedural line with these recent decisions. Because the Hawaii Supreme Court struck down HRS §706-662 as unconstitutional on its face in "Mugaotega", a new extended term law is required before any defendant may be sentenced to an extended term. That new law is proposed in this bill.

Sections 2 and 3 of the bill, page 4, line 4 to page 9, line 17, set out the terms to be imposed and the criteria to be considered for the imposition of an extended term. We do not have an objection to the form of those sections. We agree that it is appropriate to allow for the judicial discretion that has always been provided for in our law before an extended prison term is imposed.

Section 4, which proposes amendments to HRS § 706-664, sets out the procedure to be followed in imposing an extended term of imprisonment. Proposed subsection (1) adds the constitutionally mandated requirement for a jury determination that the defendant meets the grounds for imposition of the extended term (ref: page 10, line 9), unless that right is waived.



We object to subsection (2) of Section 4, specifically the language at page 10, lines 17 to 20, which refer to the application of this law to "previously sentenced" defendants. Our objection to the intended retroactive application of this law extends to Section 5 of the Bill, page 11, lines 5 to 15.

We contend that applying a new extended term statute to anyone who committed his or her crime(s) prior to its enactment, after the previous statute has been declared unconstitutional on its face, violates the Ex Post Facto clause of the United States Constitution. Article 1 of the United States Constitution forbids the States from enacting a law which imposes an additional punishment "to that then prescribed", Weaver v. Graham, 450 U.S. 24, 28 (1981). For a law to be ex post facto, two critical elements must be met, namely that it must 1) apply to events occurring before its enactment and 2) disadvantage the offender affected by it.

Since the proposed bill will apply to defendants who committed their crimes before its enactment, the first element is met. Regarding the second element, it is the law in effect at the time of the offense that counts for determining whether a later enactment works a disadvantage to the defendant. It is our interpretation of existing caselaw dealing with the ex post facto clause that since HRS § 706-662 was declared unconstitutional on its face, there was not a valid extended term law in effect for any defendant who committed his or her crime prior to the enactment of new legislation. Therefore, the retroactive application of a valid extended term statute would be a disadvantage to the defendant, and thus, illegal.

We are aware that our position on the illegality of retroactive application of this law is not universally shared. If this bill is enacted, we recognize that the ultimate determination of whether the retroactive application of the law is legal will be in the hands of the courts. We note that the bill includes a severability clause, intended to protect lawful portions of the law, i.e. the procedure to be followed in applying the extended term statute, if the retroactivity portion of the law is subsequently struck down.

Thank you for the opportunity to comment on this bill.

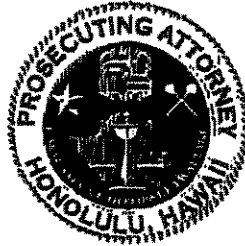
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DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**THE HONORABLE BRIAN TANIGUCHI, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY AND LABOR**  
Twenty-fourth State Legislature  
Special Session of 2007  
State of Hawaii

October 29, 2007

**RE: H.B. 2; RELATING TO SENTENCING.**

Chair Taniguchi and members of the Senate on Judiciary and Labor, the Department of the Prosecuting Attorney submits the following testimony in strong support of H.B. 2.

The purpose of this bill is to amend Hawaii's extended term sentencing law to address constitutional issues in Hawaii's extended term sentencing law. These issues were raised in a line of U.S. Supreme court cases beginning with *Apprendi v. New Jersey*, 530 U.S. 466, 120 S. Ct. 2348, 147 L.Ed.2d 435 (2000) and most recently, in a Hawaii Supreme Court case, *State v. Maugaotega*, \_\_ P.3d \_\_, 2007 WL 2823760, Oct. 1, 2007 (No. 26657). These cases held that Hawaii's extended term statutes are unconstitutional because they require a judge rather than a jury to find facts, other than those of prior or concurrent convictions, which enhance a defendant's sentence beyond the ordinary or standard term authorized by the jury's verdict. House Bill 2 would address this issue by statutorily authorizing the empanelling of a jury to find the facts necessary for enhancement and creating a procedural framework to sentence and resentence convicted persons to an extended term of imprisonment where the term is necessary for the protection of the public.

Hawaii's extended term sentencing law was enacted in 1972 and is intended to provide an enhanced maximum term of imprisonment for certain defendants. The commentary on the extended term sections explain the purpose and public policy behind these sections as:

These sections provide for extended terms of imprisonment for the exceptionally difficult defendant. The Code's limited recognition of consecutive sentences, and its attempt to provide lower authorized sentences for the majority of convicted defendants whose records or situations do not suggest the need for extended incarceration, *necessitates some provision for dealing with the persistent, professional, dangerous, and multiple offender. Unlike other offenders, these defendants should be subject to possible extended terms because their records or*

***situations indicate that extended incarceration may be necessary to protect the public.*** In these cases, rehabilitation, if possible is unlikely to be achieved within an ordinary term (emphasis added).

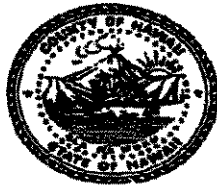
One example of a case in which the state court judge imposed an extended term of imprisonment involved a defendant named Wayman Kaua. He was involved in a stand off with police in which he took a hostage and held her at gun point in Pacific Palisades. With a semiautomatic rifle pointed at his hostage, he paraded her on a balcony for the benefit of television cameras. He also fired shots at police prompting the evacuation of residents of nearby homes and children from neighborhood pre-schools and elementary schools. The stand-off lasted for twenty-two hours and ended only when a police sniper shot Kaua who survived the shooting to stand trial for attempted manslaughter, reckless endangering, kidnapping, terroristic threatening and various firearm offenses. Prior to this, Kaua had previously been convicted of robbery, assault, firearms violations and reckless endangering. He had also been involved in a prior stand off with police when the police attempted to serve an arrest warrant on Kaua. In the prior incident, Kaua had a rifle and threatened to shoot his son if the police did not leave the house. This earlier incident resulted in convictions for firearms offenses and reckless endangering for which he received a mandatory minimum term of imprisonment of thirty four months.

Another example of a case in which the state court judge imposed an extended term of imprisonment involved Miti Maugaotega. In an approximately 40 day period in 2003, the seventeen year old Maugaotega broke into five homes and terrorized six people. He raped and pistol whipped a 55 year old woman and broke into another home and robbed a couple at gun point. His crime spree escalated and finally culminated with Maugaotega shooting a man who had come home to find Maugaotega armed with a stolen Colt .45 semiautomatic in his home. The victim barely survived; the bullet just missed his heart. Maugaotega was ultimately convicted of 22 felonies including attempted murder and multiple counts of first-degree robbery, firearm violations, first-degree sex assault, and first-degree burglary. Finding that an extended term of imprisonment was necessary for the protection of the public and that Maugaotega was a multiple offender, the court imposed the enhanced terms of imprisonment.

The extended terms of imprisonment in Wayman Kaua's and Miti Maugaotega's cases are some of the many cases affected by the recent federal court rulings. We think they illustrate the pressing need for a viable extended term law. Without a fix to the extended term law, extended terms of imprisonment cannot be imposed in cases sent back to trial courts for resentencing or cases that are awaiting sentencing even if such a sentence is found necessary for the protection of the public.

For this reason, we respectfully request that you pass H.B. 2 and thank you for this opportunity to testify.

Harry Kim  
Mayor



Lawrence K. Mahuna  
Police Chief

Harry S. Kubojiri  
Deputy Police Chief

## County of Hawaii

### POLICE DEPARTMENT

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February 9, 2006

Senator Brian T. Taniguchi  
Chairperson and Members  
Committee on Judiciary and Labor  
415 South Beretania Street, Room 329  
Honolulu, Hawaii 96813

**Re: House Bill 2, Relating to Sentencing**

Dear Senator Taniguchi and Members:

The Hawai'i Police Department strongly supports the passage of House Bill 2, Relating to Sentencing, that requires a jury to determine facts necessary to impose an extended term of imprisonment under section 706-662, HRS, unless right to jury determination is waived, in which case determination is to be made by the judge.

We are in agreement with the Office of the Attorney General that passage of this measure is necessary so that the courts can continue to impose extended sentences on some of Hawai'i's worst criminals.

It is a primary governmental interest to protect the public, therefore, it is imperative that the state courts possess the ability to impose an extended term of imprisonment upon a discrete class of defendants when such a term is deemed both appropriate and necessary.

For these reasons, we urge this committee to support this legislation. Thank you for allowing the Hawai'i Police Department to testify on H.B. No. 2.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence K. Mahuna", is written over a large, stylized oval graphic.

LAWRENCE K. MAHUNA  
POLICE CHIEF

**Testimony via email to : [testimony@capitol.hawaii.gov](mailto:testimony@capitol.hawaii.gov)**

**THE SENATE**

**THE TWENTY-FOURTH LEGISLATURE**

**SECOND SPECIAL SESSION OF 2007**

**COMMITTEE ON JUDICIARY AND LABOR**

**Senator Brian T. Taniguchi, Chair**

**Senator Clayton Hee, Vice Chair**

**NOTICE OF HEARING**

**DATE: Monday, October 29, 2007**

**TIME: 2:45 p.m.**

**PLACE: Conference Room 229**

**State Capitol**

**HB 2                    415 South Beretania Street  
RELATING TO SENTENCING.**

**Pending referral  
to JDL**

**Requires jury to determine facts necessary to  
impose an extended term of imprisonment  
under section 706-662, HRS, unless right to  
jury determination is waived, in which case  
determination is to be made by judge.  
Requires facts to be proven beyond a  
reasonable doubt.**

**Testimony From: Melinda Chee,  
[cheem@umich.edu](mailto:cheem@umich.edu)**



**Member, Children's Rights Council of Hawaii**

**Subj: TESTIMONY in STRONG SUPPORT OF HB 2 RELATING TO SENTENCING**

**Testimony From: Melinda Chee in STRONG SUPPORT OF HB 2**

**TESTIMONY:** I am a private citizen, and by profession an acute care nurse practitioner. I am also a friend of Ms. Brenda Dickson. We are both customers of the Hawai'i Family Court First Circuit O'ahu. As a result of Hawai'i Family Court actions, we have individually experienced due process violations of our civil rights. Ms. Dickson's case received national attention via the mass media. Articles in the national press cast an unfavorable spotlight on the Hawai'i Judiciary.

Ms. Brenda Dickson is a beautiful and famous actress, star of the series *The Young and the Restless*. She was falsely imprisoned in Hawai'i for over 3 months. Her horrific incarceration occurred without a jury trial. The event is one of judicial infamy. Brenda Dickson's 3 month incarceration was ordered by Hawai'i First Circuit Family Court Judge Darryl Y.C. Choy. Opposing council in Brenda Dickson's case was Attorney Chuck Kleintop, former Chairperson of the Hawai'i Office of Disciplinary Council.

Brenda Dickson was wrongfully incarcerated for months. In this era of overcrowding in penal institutions, it is likely that convicted felons, like child molesters and rapists, were released to allow space for her confinement. What happened to Ms. Dickson is an atrocity!

If you think imprisonment does not represent emotional AND physical duress, consider American Red Cross blood donation criteria: *Persons who have been detained or incarcerated in a facility (juvenile detention, lockup, jail, or*

*prison) for more than 72 consecutive hours (3 days) are deferred from donating blood for 12 months from the date of last incarceration. This includes work release programs and weekend incarceration. Incarcerated persons are at higher risk for exposure to infectious diseases, like viral hepatitis and HIV. Consequences of these diseases can be deadly. Wrongful incarceration leads to deep psychological scars and possibly devastating health outcomes.*

Wrongful imprisonment is not new to Hawai'i. In 1895 Queen Liliuokalani was put under the house arrest in the Iolani Palace for eight months, after which she abdicated her role in return for the release of her jailed supporters. In 1898 the Hawaiian Islands were formally annexed to the United States. In the same year Queen Liliuokalani composed a song "Aloha Oe" as a farewell to her country. She was released as a private citizen and lived at Washington Place (320 South Beretania Street) in Honolulu until her death in 1917. Fast forward to 2007, and false imprisonment has happened again.

The undignified false imprisonment of beautiful Brenda Dickson signals a threat to the constitutional rights of the lovely Hawai'ian people. It is up to the legislature to restore constitutional rights, and promote the spirit of aloha. HB 2, requires facts to be proven beyond a reasonable doubt before an extended term of imprisonment, like that endured by Brenda Dickson. Say farewell to false imprisonment and support HB 2 in memory of Queen Liliuokalani. Hopefully what happened to her, and Brenda Dickson, will not happen again in Hawai'i.

With responsible aloha,  
*Melinda Chee*