AMENDED

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 11, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Maui

Enforcement of Violation on Unencumbered Public Lands, Unauthorized Operation of Motor Vehicle by Ernest Kalei Smith, MA-07-846, Hanaula, Wailuku, Maui, Tax Map Key (2)3-6-001:014.

PURPOSE:

Enforcement of violation for driving a motor vehicle on unencumbered public lands by Ernest Kalei Smith of 1841 Kalawi Street, Wailuku, HI, 96793.

LEGAL REFERENCE:

Section 171-6, Hawaii Revised Statutes, as amended.
Section 13-221-26, Hawaii Administrative Rules.

LOCATION:

Portion of Government lands situate at Hanaula, Wailuku, Maui, identified by Tax Map Key (2)3-6-001:014, as shown on the attached map labeled Exhibit A.

Parcel 014 is clearly delineated by a boundary fence that separates public lands, mauka of the boundary fence, from adjacent private lands (TMK (2) 3-6-001:018), makai of the boundary fence.

Several eighteen-inch by twelve-inch (18" x 12") signs are situate at the ingress to the northeast portion of parcel 014 and along portions of a dirt access road that clearly identifies the area as government lands and prohibits unauthorized motor vehicles.

HISTORICAL CONTEXT

For several months, the department has been experiencing increasing levels of unauthorized motor vehicle activity on the subject unencumbered public lands which is in the Conservation District.

Staff has observed evidence of off-road vehicles destroying sensitive flora and fauna; and capital improvements that were constructed by the department to protect endangered plant and animal species, within the region (see photos, Exhibit B).

These activities has resulted in increased levels of observation by

as Amended
APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
May 11, 2007

Division of Conservation and Resource Enforcement (DOCARE) personnel as a means to deter this behavior that is damaging to some of our most precious natural resource areas.

REMARKS:

On Sunday, February 4, 2007, DOCARE Officer John Yamamoto observed a 1996 white Ford F350 pickup truck with license plate No. MJL 916, registered to a Richard Halfhill, parked, unattended, just mauka of the boundary fence at the northeast portion of parcel 014 near a conspicuous sign that identifies the area as government property and prohibits motor vehicles (see photos, Exhibit B).

Officer Yamamoto parked his vehicle about 50 yards north of the entrance to where the Ford truck was parked and signs prohibiting motor vehicles was posted. While at that location, Officer Yamamoto observed nine (9) dirt bikes exiting past the signs identifying the area as government property and approaching him heading north. Officer Yamamoto motioned for the riders to stop. Six (6) persons fled north and three (3) persons stopped. The dirt bikes that were stopped were described as Orange and Black, Yellow and Black and White and Black. At that point, Officer Yamamoto proceeded to gather the identification of each rider. Ernest Kalei Smith was one of the riders identified by Officer Yamamoto as having ridden upon public unencumbered lands identified as TMK (2) 3-6-001:014

Pursuant to the actions described above, the motorcycle driven by Ernest Kalei Smith upon unencumbered public lands was seized by DOCARE and is currently in State custody.

Please refer to Exhibit B for a detailed report of the subject enforcement action.

FINDINGS:

That Ernest Kalei Smith ignored a conspicuously posted sign that prohibits motor vehicles beyond a fenced boundary that clearly delineates unencumbered public lands from adjacent private property, and is in violation of Hawaii Administrative Rules Section 13-221-26, Motor vehicles.

RECOMMENDATION: That the Board:

1. Authorize the issuance of a fine in the amount of five hundred dollars ($500) to Ernest Kalei Smith;

2. Direct the State Department of Land and Natural Resources to return the seized motor vehicle back to its owner.

Respectfully Submitted,

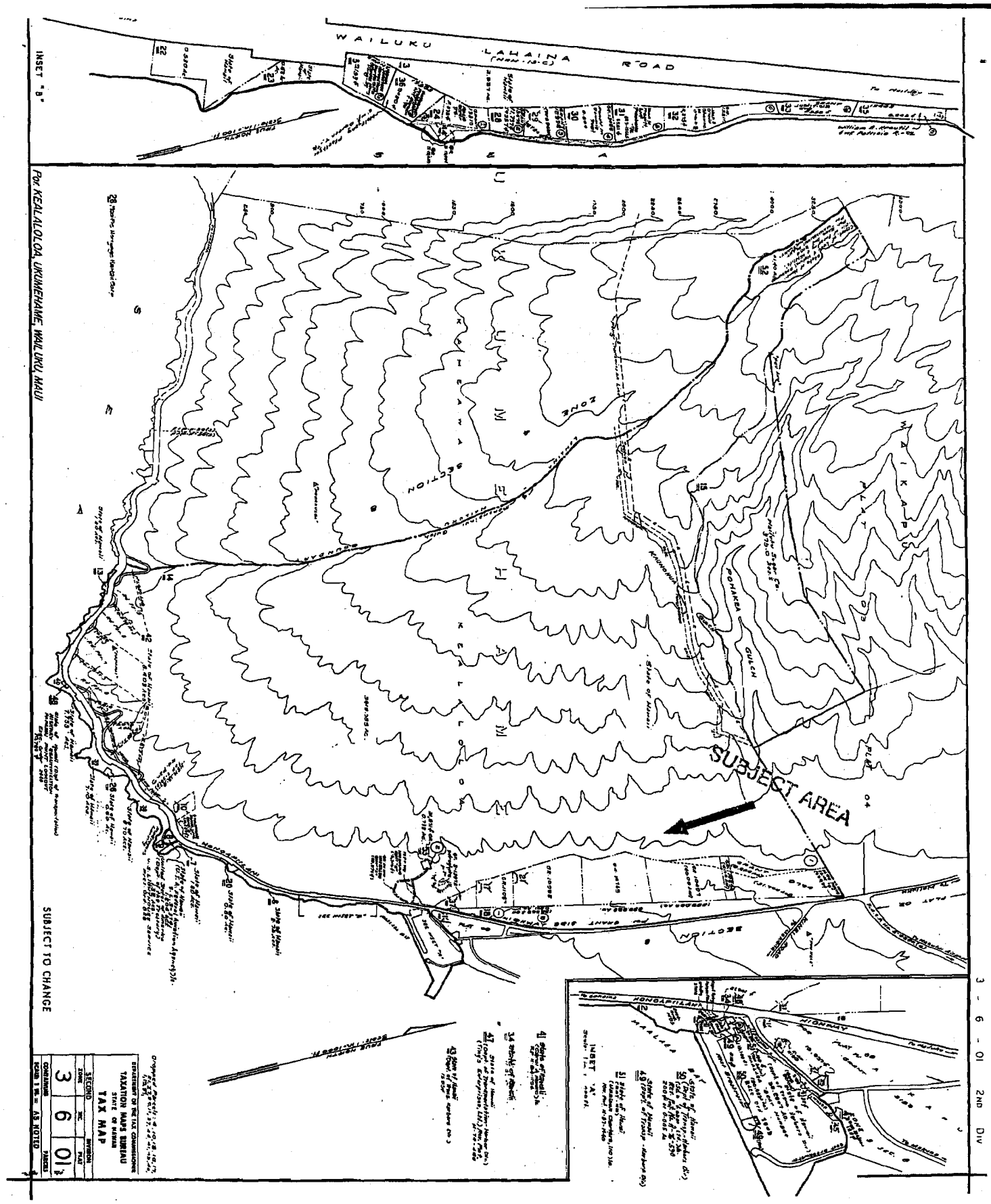
Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:

Allan A. Smith, Interim Chairperson

Approved As Amended. The Land Board amended Staff's Submittal by adding a Recommendation No. 3 as follows:

"3. Order Respondent to pay administrative costs not to exceed $200.00 per Respondent."



WAILUKU LAHAINA ROAD
INSET "B"
Por. KEALALOLOA, UKUMEHAME, WAILUKU, MAUI
SUBJECT AREA
SUBJECT TO CHANGE
TAXATION MAPS BUREAU
TAX MAP
3 6 01
AS NOTED
3 - 6 - 01 2ND DIV

EXHIBIT A

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE
54 SOUTH HIGH STREET, ROOM 101
WAILUKU, HAWAII 96793

February 23, 2007

To Whom It May Concern:

This statement is to report the dirt bike activities that I, Sasha Smith have encountered over the last several years in the Hana'ula area and at the State's nene open-top release pens. This area is in the West Maui Forest Reserve and is designated for the release and propagation of nene that is classified as endangered species. This area is restricted from public access.

The dirt bikers have been illegally accessing the area for years causing damage to fences, gates and trails. In December 2005, they cut a section of the Forest Reserve fence that access our nene open-top release pens and proceeded to ride over our waterlines that broke and drained our only source of water to our release pens. They continued to spun "donuts" around the water unit and left trash around the pens. The nene were nesting in the pens at the time of the incident and there were great concerns that the nest would be abandon or goslings run over. We have numerous signs posted on the access gates and the fence surrounding the pens. These signs warn trespassers to stay out of the area, explain our project and list fine and penalties. The entire area is also a pristine native forest and native bird habitat. These dirt bikes are devastating to the forest reserve and not to mention the time and cost to repair fences, gates and water units over and over again.

If there are any further questions or concerns regarding this matter, you can contact me at 873-3983.

Sincerely,

Sasha Smith
Wildlife Technician

EXHIBIT "B"

Gary D Moniz/DLNR/StateHiUS
02/05/2007 06:37 AM

To Albert H Morita/DLNR/StateHiUS@StateHiUS, Clarence M Yamamoto/DLNR/StateHiUS@StateHiUS, Dexter P Tom/DLNR/StateHiUS@StateHiUS, Randy K
cc
bcc
Subject Fw: Impartial Enforcement

Review and return a response to me.

gdm

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GARY D. MONIZ, ENFORCEMENT CHIEF
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT
1151 PUNCHBOWL STREET, ROOM 311
HONOLULU, HAWAII 96813
PHONE: (808) 587-0068 FACSIMILE: (808) 587-0080

THANK YOU.

----- Forwarded by Gary D Moniz/DLNR/StateHiUS on 02/05/2007 06:38 AM -----

Peter T Young/DLNR/StateHiUS
02/05/2007 05:48 AM

To Gary D Moniz/DLNR/StateHiUS@StateHiUS
cc
Subject Fw: Impartial Enforcement

Gary:

Please look into this.

Thanks,
Peter.

----- Forwarded by Peter T Young/DLNR/StateHiUS on 02/05/2007 05:47 AM -----

"Toni Marie Davis"
<[redacted]>
02/04/2007 08:56 PM
Please respond to
<[redacted]>

To <peteryoung@hawaii.gov>
cc
Subject Impartial Enforcement

Aloha Peter;

In my professional relationship I trust you have found me always to be of high integrity and passionate in making a difference - the right balanced difference. I need your help!

This Sunday, February 4th while being a recreational resident, my dear friend, Rich and I were victims of impartial, excessive & possibly improper enforcement by DOCARE. Rich has been teaching me to ride dirt bikes. Each Sunday for the past 9 weeks, Rich has been teaching me at the Maui Motor Race Park. This Sunday, he surprised me - during the week he had noticed a sign which said "Trail" by the road and also saw dirt bikes here. We drove in searching for signs prohibiting the dirt bikes. We found a sign marking Government Property Keep out - We parked Rich's truck by this sign and unloaded the bikes and did not ride in this restricted area. There were no signs posted prohibiting vehicles of any kind where we rode. No gates, no fences, nothing but dirt road that had obviously been traversed by motorized vehicles. (See pictures & map). We noticed what we thought were police and they waved us over. We went over and fully cooperated.

Rich and I were separated, Officer DeCambra questioned him. While Officer Bode was reading me my Miranda Rights he received a radio call - 9 motorcycles were caught coming down the hill from the ***"illegal area"*** . They stopped 3 and gave them warnings while the other 6 escaped.

Officer Bode told me we had trespassed on unencumbered lands - How were we to know? There is even a parking lot at the base of the trail. This is in the middle of this area - how is one supposed to get a vehicle here, if motorized vehicles are illegal on the road? We weren't on the foot trails - We were on a road! The officers' confiscated Rich's motorcycles. In a phone call to Matt Yamamoto and later with Randy Awo - they agreed it was impartial enforcement and stated they would issue orders to confiscate

the other three that were sited warnings. He missed my point - We weren't riding where they were. If indeed these motorcycles were confiscated as well, ask these other riders if we were up there - We weren't.

Initially, these others were let go with a warning. I apologize but I have my doubts regarding additional confiscations. This was an afterthought. I was livid at the blatant inequitable act of enforcement. Had I not overheard the radio call & raised a stink about it...I doubt this would have happened - if indeed it did. These riders truly defied the signs and the law. Where they were is clearly marked Government Property Keep Out. When approached by the officers we stopped, spoke with them - we didn't flee and what happened...they took the bikes. Officers DeCambra rode both of them. It was ***how*** he rode. There was a lack of reciprocated respect. These are super nice, clean bikes -very well cared for and precious to Rich.

Officer Okamoto showed up toward the end. He remembered me from the harbor. Officer DeCambra wanted to load up the bikes in the back of Officer Bode's truck. Rich was uncomfortable with this and requested he load the bikes in his truck and transport to the Armory. Officer Okamoto said it was unusual but agreed. Officer DeCambra acted as if Officer Okamoto was saying "no" to this idea, kept talking over him. Officer Okamoto made it clear that he was in fact saying okay. We loaded the bikes took them to the Armory storage as "evidence" - No report number. Rich disabled both bikes.

There is no signage stating what we did was not allowed. How were we to know? There is no need to confiscate these bikes as "evidence" - possession of them is not illegal. They require regular maintenance are worth about $10K. Being really bothered by this I called Matt Yamatoto and asked him under what admin rule did they have the right to do this. His reply, Ch.13, 221. I see nothing there about confiscation. Penalty: A fine of not more than $500 - Please have these returned - Call me [redacted] or email me back if there is anything else I need to do or am I missing it. Peter this was wrong. Please make this right! I don't want anything more than to have these returned....we can have our day before the land board regarding the fine. I would hope between now and then proper signage will be put in place.

Sincerely - really bummed about this experience,

Toni

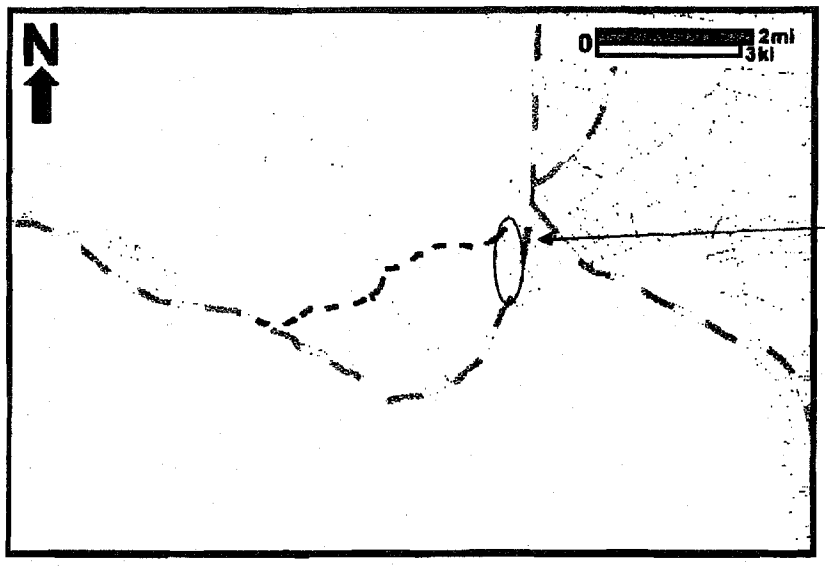
Pictures & Map.pdf

Lahaina Trail Head in Maalaea

This is where we drove in. This little signs states Trail.	
This is the road by that runs parallel to the highway.	
This is more of the Trail. Lots of vehicle marks even were vehicles parked here and beyond this spot.	

We took these pictures afterwards, searching for the signs we must have somehow missed saying we couldn't do this. We found this – NO WHERE Does this state we can not ride motor vehicles in this area. Regardless of this sign there are no other signs.	
More of the area where we rode....It is a road!!	
More of the road we rode on.	

This is where DOCARE waved us over.	



This is where we rode – for all of about 25 minutes.

DOCARE-6

Dept. DLNR
Div. DOCARE

STATE OF HAWAII

INVESTIGATION REPORT

1. REPORT NUMBER: MA-07-846
2. INVESTIGATOR: YEN, GORDON

CLASSIFICATION: LAND DIV: UNAUTHORIZED MOTOR VEHICLES	3. ISLAND: MAUI	4. DISTRICT: WAILUKU	
5. COMPLAINANT (Firm Name, if Business): DOFAW (SASHA #834)	6. SEX: F / RACE / AGE	7. D.O.B.	8. OCCUPATION: WILDLIFE TECH.
9. ADDRESS: 54 S. HIGH ST. WAILUKU, HI	10. SCHOOL EMPLOYED/SCHOOL ATTENDING: DLNR / DOFAW	Res. Ph.	Bus. Ph.: 873-3983
11. LOCATION OF OFFENSE AND CLOSEST INTERSECTING STREET: HANAULA RIDGE	12. DATE/TIME/DAY OCCURRED: ONGOING	13. DATE/TIME REPORTED: 1/8/07 1500hrs	
14. DESCRIBE LOCATION OF OFFENSE OR TYPE OF PREMISES: LAND DIVISION / CONSERVATION DISTRICT		15. HOW REPORTED: PHONE	

16. VEHICLE INVOLVED	Year	Make	Model	Color(s)	License No.	I.D. Characteristics
17. BOAT INVOLVED	Length	Make	Model	Color(s)	Name	HA No. / I.D. Characteristics

18. REGISTERED OWNER	Address	Res. Phone

CODE: W = Witness S = Suspect (Fill in Composite Description) R = Reporting Person O = Other

19. NAME	Age	Sex	Code	Address	Res Phone	Bus. Phone
		M				
		M				
		M				

20. SEX Composite Description Race	Age	Wt.	Build	Hair	Eyes	Complex	Clothes/I.D. Characteristics

21. INVESTIGATION: 1. Insert a synopsis of the crime of incident. 2. Summarize details of the crime or incident. 3. Denote persons from whom statements taken and who took them. 4. Identify additional suspects and witnesses. 5. Identify additional investigators. 6. Use opposite side for continuation of report, if necessary.

Synopsis

Checks conducted in the area on three separate days (1/14/07, 1/20/07 & 1/21/07) no activity reported, no responsibles identified. Three " NO MOTORIZED VEHICLES / CAMPING/ FIRES" warning signs were posted along the base of Maui Electric access road at Ma'alaea. Investigation awaiting any futher developments regarding offroad activity @ Hanaula.

ASSIGNMENT:

I am presently employed by the Department of Land and Natural Resources (DLNR) Division of Conservation and Resources Enforcement (DOCARE) assigned to Maui County. On 1/10/07, I investigated an ongoing report of unauthorized dirtbike activity in the West Maui mountains @ Hanaula, reported by DOFAW worker "Sasha #834". Refer to attached photos.

CHECKS CONDUCTED:

On 1/14/07, Officer R. KAPAHULEHUA & I made checks at Hanaula ridge up to the Wailuku Ag fenceline, and made temporary repairs to a section of the fenceline cut, with dirtbike tracks in and around the area. No responsibles found.

On 1/20/07 & 1/21/07, Supvr. C YAMAMOTO coordinated a stakeout operation along the bottom of Ma'alaea near the Maui Electric access road, and three signs were posted in the area, and in clear viewing along the roadway shoulder. Officer BODE and I situated ourselves in the area of the dirtbike track in Hanaula, located just below the old corral where most the recent activity occurred. No responsibles / or activity reported.

PHOTOS TAKEN:

Refer to attached PHOTOGRAPHIC REPORT.

DISPOSITION:

Case closed, awaiting any further developments.

22. REPORT WRITTEN BY	Badge No.	Date/Time	23. SUPERVISOR APPROVING	Badge No.
Gordon Yen	246	1/21/07 1500hrs		

24. DISPOSITION ☐ Unfounded ☐ Citation/No Arrested/No Prosecution ☐ Arrested/Prosecuted ☐ Adult ☐ Other/No Arrest ☐ Juvenile

25. Date/Time Reproduced	26. Distribution	27. Connecting Report No.

DLNR/DOCARE PHOTOGRAPH REPORT

CASE NUMBER: MA-07-846

CLASSIFICATION: UNAUTHORIZED DIRTBIKE ACTIVITY ON STATE LANDS

SCENE: HANAULA RIDGE, WEST MAUI MOUNTAINS

DATE/TIME TAKEN: 1/8/07 1230HRS

PHOTO TAKEN BY: DOFAW

DESCRIPTION OF PHOTOS:

PHOTO #1 Depicts dirtbike track at Hanaula, access via Maui Electric road.
PHOTO #2 Dirtbike track around surrounding ironwood trees.
PHOTO #3 Dirtbike activity crossing access road.
PHOTO #4 View of track from below road.
PHOTO #5 Depicts Wailuku AG fenceline damaged @ Hanaula.
PHOTO #6 Damaged fenceline, different view.
PHOTO #7 Dirtbike track @ Hanaula ridge.
PHOTO #8 Fenceline separating state land from Wailuku Ag property. The location of the state vehicle in the photo is where the access gate is located, which at this point is still not locked. The damaged fenceline is located approx. 100 yards south of access gate.

08/01/2007

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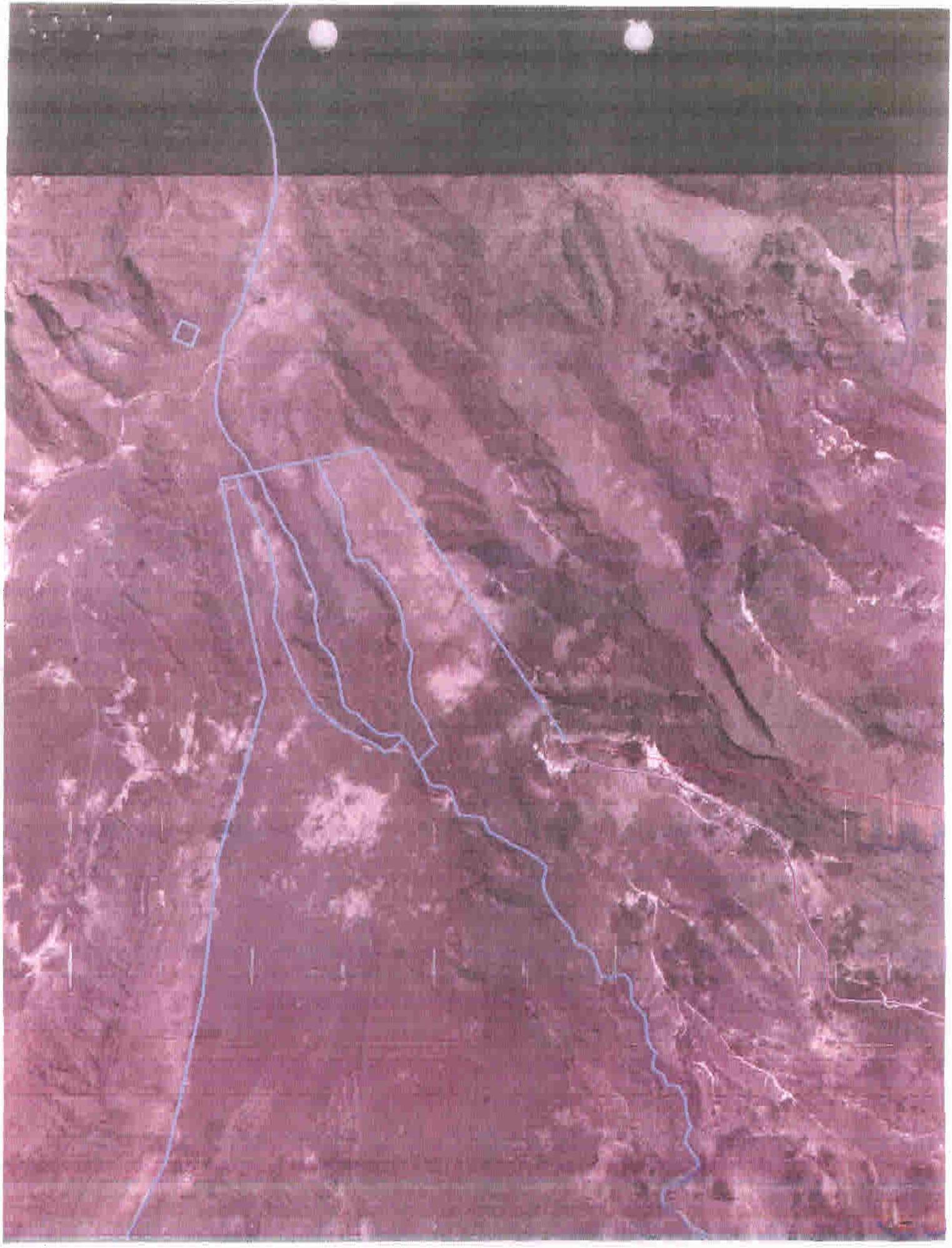
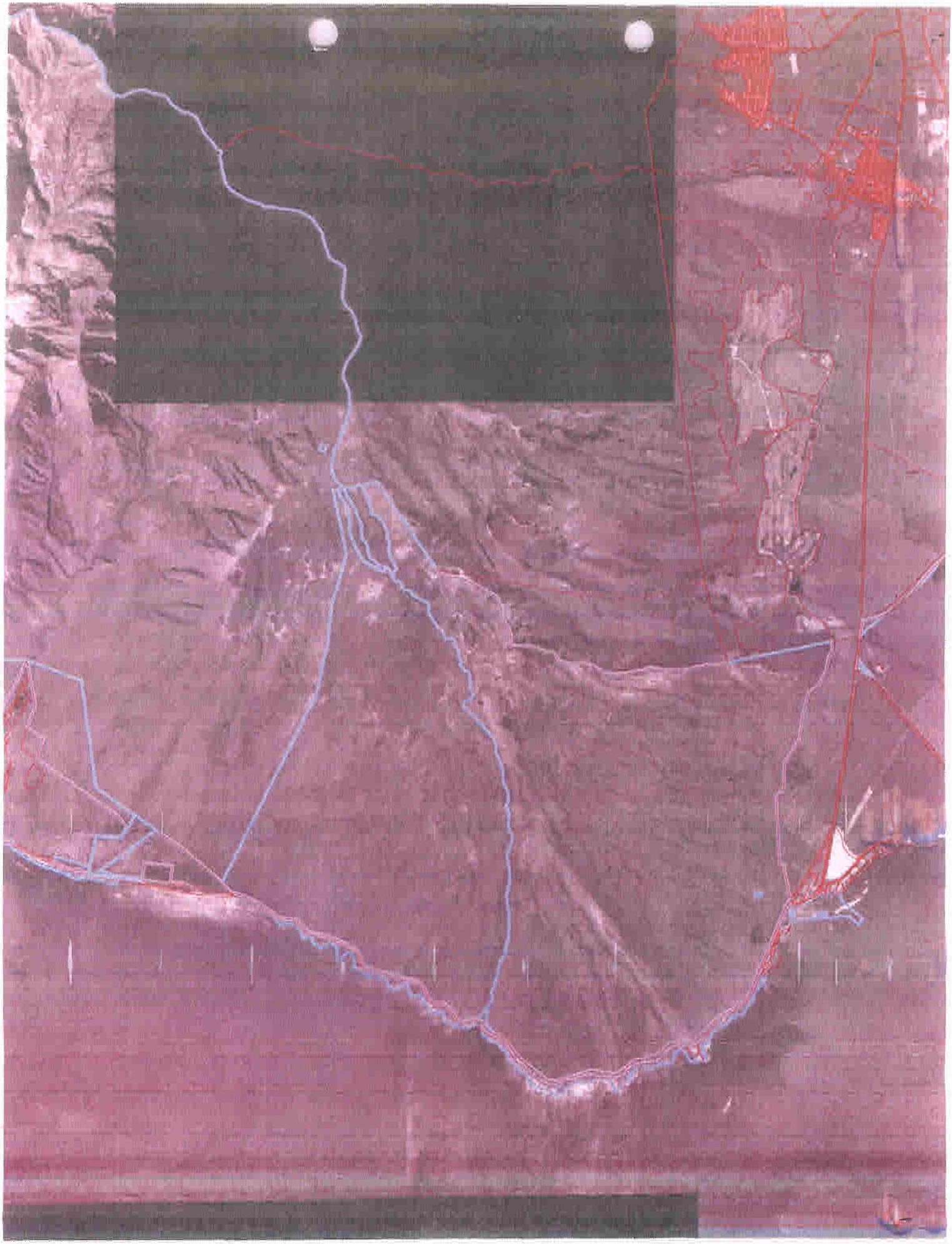




STATE OF HAWAII
DLNR-DOCARE
175 S. Punnene Ave.
Kahului, HI 96732

020407
DECAMBRA, R.

MA#07-846
UNAUTHORIZED VEHICLES
(CONNECT-UP REPORT)

INFORMATION:

REFER TO INVESTIGATION MA# 07-846 SUBMITTED BY OFFICER GORDON YEN FOR DETAILS.

ASSIGNMENT:

On Sunday 020407, I was on-duty as a Conservation Police Officer with the State of Hawaii/Department of Land and Natural Resources-Division of Conservation and Resources Enforcement.

At approximately 0841hrs, I was assigned by Conservation Enforcement Supervisor Clarence YAMAMOTO to investigate a report of illegal off-road motorcycle activity at state unencumbered lands at HANAULA, located mauka of Maalaea village.

ARRIVAL:

At approximately 1020hrs, I along with Officers J. YAMAMOTO and BODE arrived at the beginning of the Maui Electric Company powerline road. Said location is state unencumbered lands under the jurisdiction of the Department of Land and Natural Resources.

At location, was a white FORD pickup truck, bearing the Hawaii license plate# MJL 916. Said vehicle was unattended and parked beyond a conspicuously posted STATE OF HAWAII/ DEPARTMENT OF LAND AND NATURAL RESOURCE's sign stating that motorized vehicle operation at the location was prohibited.

At approximately 1030hrs, I was traveling south on HONOAPILLANI HIGHWAY and enroute to the HANAULA access road when I observed two red off-road type motorcycles being operated on state unencumbered lands mauka of HONOAPIILANI HIGHWAY, across from BUZZ'S WHARF.

OBSERVATIONS:

Said motorcycles were later discovered to be operated by Antoinette DAVIS and Richard HALFHILL. Said parties were up near a large water tank and beyond a fence designed to exclude unauthorized persons. HALFHILL and DAVIS then detected my presence, as evidenced by them becoming stationary facing my direction. In an attempt to escape apprehension, HALFHILL and DAVIS then rode off in the southerly direction in which I lost visual contact. There was a locked gate and an intact fence that blocked HALFHILL and DAVIS's escape at the end of their intended escape route.

STATE UNEMCUMBERED LANDS:

As I was not sure if the area where the two riders had just emerged from was State unencumbered lands, or Maui County Water Dept. Lands I questioned Ofc. R. DECAMBRA about it, he stated that it was State Lands.

MIRANDA WARNING ISSUED: Antoinette. M. DAVIS

Ofc. DeCAMBRA took the male rider off to the side and asked that I get the females information, and question her about the violation. After getting her info. I issued her a Miranda warning, and asked her if she understood her rights, the female identified as Antoinette M. DAVIS verbally stated that she understood her rights.

SUSPECTS STATEMNET:

A. DAVIS stated that she saw the no trespassing sign posted where they parked, but states that she was following her boyfriend around, and doesn't know the area. She followed her boyfriend down the dirt road towards Maalaea Harbor, and eventually ended up at the gate located at a water tank above the Maalaea Harbor. She went on to say that they sat there and watched whales until they saw officer R. DeCAMBRA, she states that she didn't know the area was off limits to dirt bike riders, she was just following her boy friend around.

SUSPECT IDENTIFIED:

DAVIS, Antoinette. M.
DOB: [redacted]

Cell Ph. # [redacted]

SSN. [redacted]

DIRT BIKES CONFISCATED:

A short time later after the suspect's information was taken, and we were done questioning them officer R. DeCAMBRA informed them that we would be taking their dirt bikes due to them being in violation HAR 13-221-26 Motor vehicles.

DISPOSITION:

Suspects given property receipts
Evidence transported to evidence room
Pending Land Board Decision

Kenneth A. BODE Jr.
Officer 146
February 10, 2007

02/21/07

OFFICER'S ACTIONS:

I parked and strategically positioned my state patrol vehicle# 8517 at a breach in a fence that I believed was utilized by DAVIS and HALFHILL. I believed that the fence's breach was the only entrance/exit to DAVIS's and HALFHILL's location in which I maintained my position and monitored the area. DAVIS and HALFHILL's attempt to escape apprehension was unsuccessful in which DAVIS and HALFHILL then returned to the water tank's location.

OFFICER'S CONTACT:

I motioned with my hands for DAVIS and HALFHILL to come down to my position and turn off their motorcycle's engines. DAVIS and HALFHILL were forced to comply, as I was blocking the only entrance/exit to their location. Upon making contact with DAVIS and HALFHILL, I informed DAVIS and HALFHILL that they were under investigation for unlawfully operating their off-road motorcycles on state unencumbered lands.

SUSPECT'S STATEMENTS: **HALFHILL, RICHARD T. A/M/CAU./C**

At approximately 1045hrs, I verbally apprised HALFHILL of his rights as stated in the Miranda Warnings. HALFHILL indicated he understood his rights by saying "yes".

HALFHILL stated he ignored a conspicuously posted STATE OF HAWAII/ DEPARTMENT OF LAND AND NATURAL RESOURCE's sign and drove his white FORD pickup truck, bearing the Hawaii license plate# MJL 916, past and parked beyond the sign. HALFHILL said that DAVIS was his girlfriend and that he owned both motorcycles. HALFHILL related that he and DAVIS rode to the base of the Maui Electric Company powerline line road in which he determined that the hill was too steep for DAVIS. DAVIS and HALFHILL then relocated and rode up to the aforementioned water tank in which they viewed humpack whales in MAALAEA BAY. HALFHILL additionally stated that he did not have permission to ride motorcycles at the aforementioned location in which he knew that the property at which they rode at either belonged to the county or state government.

Nothing further to add.

SUSPECT'S INFORMATION:

HALFHILL, Richard T.
[redacted]

020407
DECAMBRA, R.

MA#07-846
UNAUTHORIZED
VEHICLES
(CONNECT-UP REPORT)

SUSPECT'S INFORMATION Continued.....:

[redacted]
Field Worker-Aloha Sheet Metal

EVIDENCE RECOVERED:

REFER TO DOCARE FORM 9 SUBMITTED BY OFFICER BODE FOR DETAILS.

PHOTOGRAPHIC EVIDENCE:

REFER TO STATE OF HAWAII/DLNR-DOCARE PHOTOGRAPHIC REPORT SUBMITTED BY OFFICER J. YAMAMOTO FOR DETAILS.

DISPOSITION:

Request investigation be submitted to the BOARD OF LAND AND NATURAL RESOURCES for further review and action.

CONNECT-UP REPORTS:

REFER TO CONNECT-UP REPORTS SUBMITTED BY OFFICERS J. YAMAMOTO AND BODE.

SKETCH:

REFER TO ATTACHED SKETCH.

INVESTIGATION:

Investigation reveals that HALFHILL and DAVIS ignored a conspicuously posted STATE OF HAWAII/ DEPARTMENT OF LAND AND NATURAL RESOURCE's sign indicating that motorized vehicle operation is prohibited, traveled beyond a fence, and unlawfully operated off-road motorcycles on state unencumbered lands.

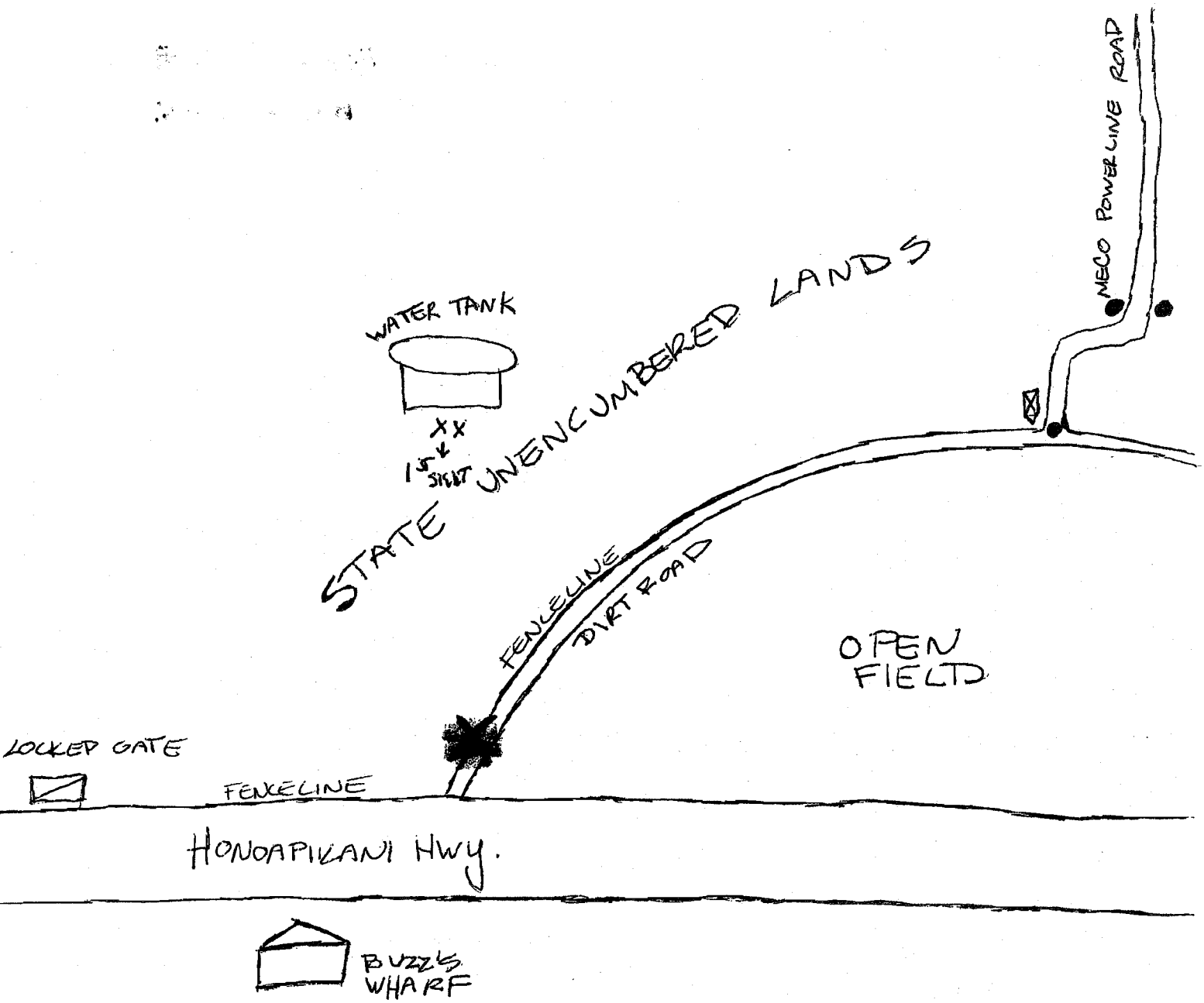
Approved by: Clarence YAMAMOTO 10

Date/Time: 2/24/07 18

DECAMBRA, R. 204
DLNR/DOCARE; 020407/1715

-SKETCH-

SUBMITTED BY DECAMBRA, R.



LEGEND

X - FENCE BREACH

- SUSPECT'S VEHICLE

● - STATE SIGNS

NOT TO SCALE

State of Hawaii
Department of Land and Natural Resources
Division of Conservation and Resources Enforcement
54 High Street
Wailuku, HI 96793

CONNECT UP TO MA 07-846
K. BODE
2-4-2007

SYNOPSIS:

On Saturday the 4 of February 2007, at approximately 1040 hours, I was assigned to assist DOCARE officer's attempting to locate illegal dirt bike riders operating illegally on State unencumbered lands. Suspects were stopped and dirt bikes confiscated for violating HAR 13-221-26.

ASSIGNMENT:

At 1000 hours, on the date stated above I was assigned to assist DOCARE officer's attempting locate illegal dirt bike riders by FS C. YAMAMOTO.

SCENE:

Hanaula area mauka of Maalaea Harbor, on dirt road.

VIOLATION OBSERVED:

Upon our arrival at the scene we observed a white Ford truck,"(Lic. # MJL 916)", parked beyond a clearly posted sign, in violation of HAR 13-221-26 Motor vehicles. Investigation found that the truck was unattended, but it was clear that dirt bikes had been unloaded from it as evidence pointed out, tire tracks, and loading ramps were in plain view.

SURVEILLANCE SETUP/ORDERS ISSUED:

Once on scene Ofc. R. DECAMBRA first pointed out the Government sign, which clearly stated no vehicles were allowed in the area. He then explained what was to be accomplished, where we were to go, and that any dirt bikes stopped were to be confiscated per supervisor, and branch chief, for engaging in activities contrary to and in violation of HAR 13-221-26.

OFFICER CALL FOR ASSISTANCE:

On the date stated above, at approximately 1030 hours, I received a call for assistance from officer R. DECAMBRA, asking me to relocate to his position just off Honoapiilani Hwy. Apparently he had observed illegal dirt bike activity, and needed my assistance to conduct a stop.

OFFICER'S OBSERVATIONS:

As officer R. DeCAMBRA was directing me to the location where he wanted me to block off Honoapiilani Highway, I observed two dirt bike riders emerge from a dirt road mauka of an old fence line. Ofc. R. DeCAMBRA ordered these two riders to stop and turn-off their motors both riders complied without complaint.

Classification **CONECT UP REPORT** **MA-07-846**
(Land management 1400)
Page (1)

CREO-III John YAMAMOTO
DLNR/DOCARE
54 S. High St. #101 Wailuku HI 96767

ASSIGNMENT:

Respond to state lands located at Hanaula near Maalea for complaint of dirt bike riders. This writer was assigned to set up perimeter and make contact with dirt bike riders, and eventually confiscated dirt bikes.

OBSERVATIONS:

On 2/4/07, at approximately 1015hrs, this officer and officers DECAMBRA, BODE arrived on scene.We noticed a white 96 ford F350 pickup license # MJL-916 parked at the bottom of the road of the power lines leading up to the top of Hanaula. (Refer to attached photographs)

TRUCKS OWNER IDENTIFIED:

A license check of license MJL-916, was registered to a Richard T. HALFHILL, [redacted]

PERIMETER SET UP:

I parked my vehicle about 50 yards on the Wailuku side of the entrance to where the Ford truck was parked. Officers DECAMBRA and BODE, noticed (2) dirt bikes on the Maalaea side of the entrance to where the Ford pickup was parked. Upon seeing both officers, the (2) bikes fled in the Maalaea direction.

CONTACTS MADE:

Approximately,1040hrs, I was at my post and observed about (9) dirt bikes approaching my location heading in the Wailuku direction. I stepped out of my vehicle in my State issued uniform and motioned for the bikes to stop. At this time (6) dirt bikes fled towards Wailuku direction, while (3) dirt bikes stopped.(One orange and black)(yellow and black)and a (white and black).

CONECT UP REPORT MA-07-846

CREO-III John YAMAMOTO
DLNR/DOCARE
54 S. High St. #101 Wailuku HI 96767

SUSPECTS IDENTIFIED:

I asked the (3) riders to take off their helmets as I obtained their identification:

- Earnest Kalei SMITH [redacted]
- Randy WALDROP [redacted]
- Archie KALEPA [redacted]

OFFICERS ACTIONS/WARNING & REPRIMAND:

I notified the dirt bike riders they were riding on state lands and dirt bike riding was not allowed. I gave them a verbal warning at which time allowed them to leave.

SUPERVISOR APPRISED:

Supervisor C. YAMAMOTO was apprised of my actions, and he assigned me to retrieve the dirt bikes.

OFFICERS FOLLOW UP ACTIONS:

I drove towards Maalaea harbor to locate the (3) dirt bike riders and checks were negative findings. I contacted Supervisor C. YAMAMOTO of my findings and let him know I was going to retrieve the bikes at the dirt biker's residence.

DIRT BIKES RECOVERED/REFER TO EVIDENCE REPORT:

:At approximately 1315hrs, this officer and Officer Stanley OKAMOTO retrieved (1) white and black Honda CR250 dirt bike from Mr. SMITH at his residence([redacted]

After dropping the bike off at the armory for proper storage I met with officers Ronald CAHILL, and OKAMOTO to help me recover the other two bikes from Lahaina

CONECT UP REPORT **MA-07-846**

CREO-III John YAMAMOTO
DLNR/DOCARE
54 S. High St. #101 Wailuku HI 96767

At approximately 1448hrs, we recovered (2) bikes a orange and black KTM 300, and a yellow and black YAMAHA YZ450 from Mr. KALEPA's residence.([redacted] in Lahaina)

SIGN DEPICTING GOVERNMENT PROPERTY:

This writer photographed a sign where vehicle (Lic. MJL-916) was parked. This vehicle was used to transport (2) dirt bikes, which were confiscated by Officer R. DECAMBRA. The sign was located on a lone dirt road, which was visible to the operator prior to parking his vehicle.

GOVERNMENT
PROPERTY
NO
LITTERING
MOTORIZED VEHICLES
CAMPING
FIRES
ALCOHOL

PHOTOGRAPHIC REPORT:

Photo # 1: Depicts sign and truck's location upon arrival at scene.

Photo #2: Depicts closer view of sign and vehicle

Photo #3: Depicts sign posted on dirt road, to which was visible to the operator, prior to Parking his pickup truck.

Photo #4: Depicting the lone dirt road that pickup truck traversed, prior to parking.

John YAMAMOTO

02-07-07 1221 Hrs
DATE/ TIME

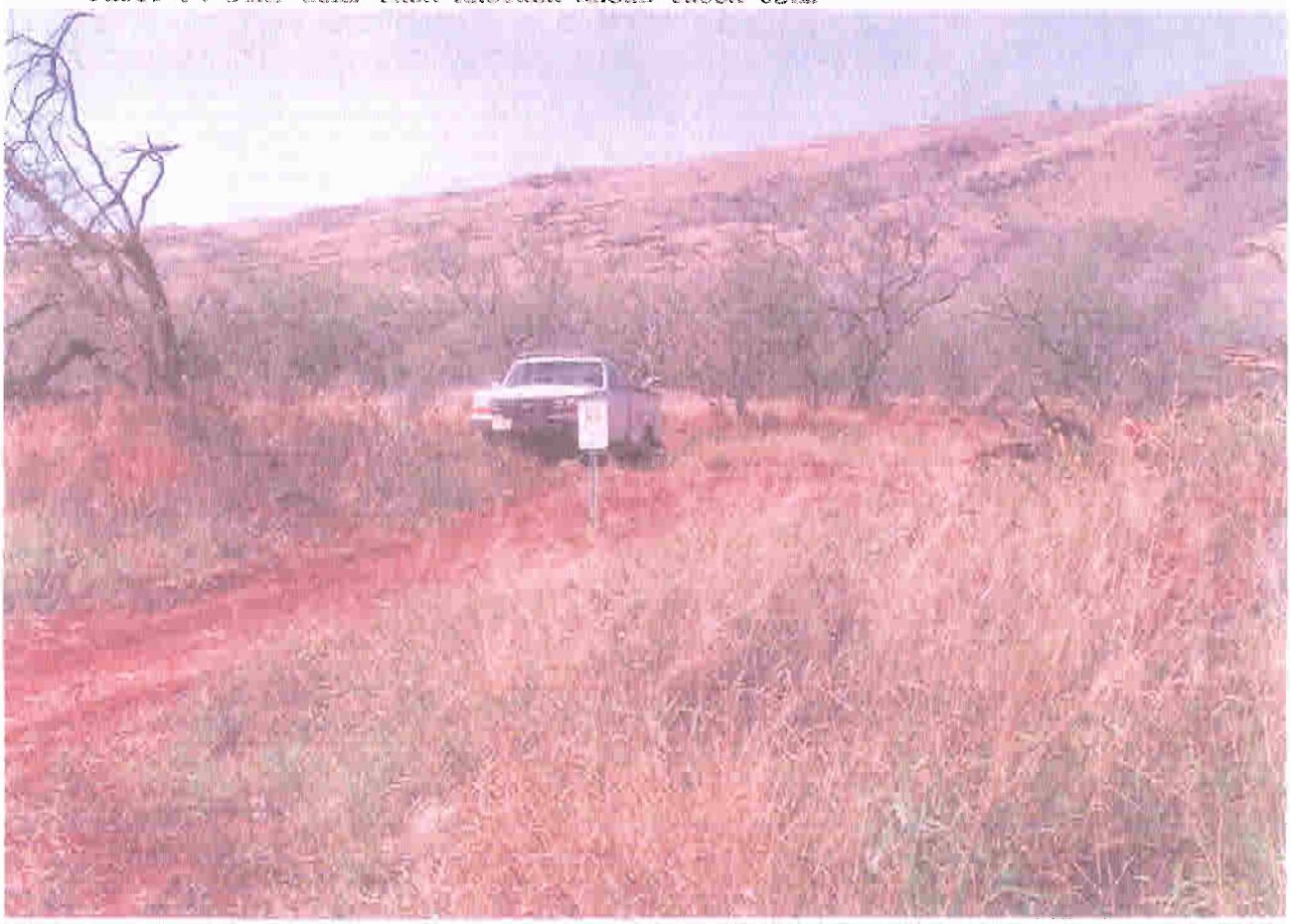
2/7/07

PHOTO# 1 TRUCK PARKED BEYOND POSTED SIGN

PHOTO # 2 ANOTHER ANGLE OF TRUCKS LOCATION

PHOTO #3 DIRT ROAD TRUCK USED TO ARRIVE TO AT IT"S LOCATION

PHOTO #4 DIRT ROAD FROM ANOTHER ANGLE TRUCK USED



DLNR/DOCARE PHOTOGRAPH REPORT

CASE NUMBER: MA 07-846

CLASSIFICATION: UNAUTHORIZED VEHICLES

SCENE: UNENCUMBERED STATE LANDS, ABOVE MAALAEA VILLAGE

DATE/TIME TAKEN: 01/19/07 - 1100 hours

PHOTO TAKEN BY: C. YAMAMOTO, FIELD SUPERVISOR-WEST DISTRICT

DESCRIPTION OF PHOTOS:

Photo # 1 depicts, the sign that was posted at the break in the fence next to the dirt roadway. Posted sign indicating "Government Property NO Littering, Motorized Vehicles, Camping, Fires, Alcohol" Area is a known access / entry point for off road vehicles for gaining access to Hanaula.

Photo #2 depicts, the two signs that were posted further in from the sign by the roadway. The two signs are posted at the base of the hill where the off road vehicles are known to continue their access Hanaula.

Photo #3 depicts, a close up of the sign posted on the left side of the roadway, at the base of the hill where the off road vehicles are known to continue their access Hanaula.

Photo #4 depicts, a close up of the sign posted on the right side of the roadway, at the base of the hill where the off road vehicles are known to continue their access Hanaula.

PHOTO # 1

M 07-846 - C. Yamamoto #10

Photo # 2

Photo # 3

Photo # 4

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

Robert K. Masuda
DEPUTY DIRECTOR – LAND

Dean Nakano
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Conservation & Resources Enforcement

54 South High Street, #101

Wailuku, Hawaii 96793

TO : PROSECUTOR'S OFFICE

VIA : RANDY AWO, BRANCH CHIEF, MAUI DOCARE

FROM : DEXTER TOM # 20, EVIDENCE CUSTODIAN

SUBJECT: MOTION TO DISPOSE EVIDENCE

DATE : 2-7-07

Defendant's Name: KALEPA, Archie

Date of Offense: 2-4-07

Report # : MA-07-846

Evidence in custody:

1. 1 YZ 450CC / Yellow and black . Ser. # JYACJ10C66A002165

2. FMF Motocycle Lift Stand

3 1- Motorcycle muffler plug/orange in color

4

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6

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Upon conclusion of this case, request that a written motion to dispose of evidence be made. Order to dispose can be written on the court calendar or the Gold copy of the citation that is returned to DOCARE.

Department of Land and Natural Resources
Division of Conservation and Resources Enforcement
54 South High Street, Room 101
Wailuku, Hawaii

FOLLOW UP BY EVIDENCE CUSTODIAN

State of Hawaii vs. **KALEPA, Archie**

Evidence recovered by:

Officer: J. YAMAMOTO
Date: 2/4/2007
Time: 2:49p
Citation / Case #: **MA-07-846**

EVIDENCE RECOVERED:

1- YZ 450CC / Yellow and Black, Ser.# JYACJ10C66A002165
2- FMF Motorcycle lift stand
3- 1 Motorcycle muffler plug/orange in color

Evidence Recovered by: Dexter TOM # 20
Evidence Custodian

Date Received: 2/4/2007
Time Received: 2:48pm

Evidence Secured Within:

Evidence Room ☐

DOCARE Freezer ☐

Gun Safe ☐

Dept. DLNR-DOCARE
Div.

STATE OF HAWAII
PROPERTY REPORT

DOCARE-9

EVIDENCE (✓)
FOUND PROPERTY ( )

1. REPORT/CITATION NUMBER: MA-07-846

CLASSIFICATION: LAND MANAGEMENT (1400)
2. INVESTIGATOR: J. YAMAMOTO
3. DISTRICT: WAILUKU

4. COMPLAINANT'S NAME: SASHA SMITH
5. SEX: F
RACE
AGE
6. BIRTH DATE
7. OCCUPATION: WILDLIFE TECH.

8. ADDRESS: % DOFAW
9. PLACE EMPLOYED/SCHOOL ATTENDING
Res. Ph.
Bus. Ph.

10. LOCATION OF INCIDENT/INTERSECTING STREET: Hanawai STATE LAND
11. DATE/TIME/DAY OCCURRED
12. DATE/TIME REPORTED

13. REPORTED BY: GORDON YEE
14. SEX: M
RACE
AGE
15. BIRTH DATE
16. OCCUPATION: CREW III

17. ADDRESS: 54 S. HIGH ST. WAILUKU
18. PLACE EMPLOYED/SCHOOL ATTENDING: DLNR DOCARE
Res. Ph.
Bus. Ph. 243-5173

19. PROPERTY OF: ARCHIE KALEPA (✓) Owner ( ) Victim (✓) Defendant
20. SEX
RACE [redacted]
AGE [redacted]
21. BIRTH DATE [redacted]
22. OCCUPATION: LIFE GUARD

23. ADDRESS [redacted]
24. PLACE EMPLOYED/SCHOOL ATTENDING: MAUI LIFE GUARD
Res. Ph. [redacted]
Bus. Ph.

25. EVIDENCE RECOVERED BY: J. YAMAMOTO
Badge or I.D. Number: 235
26. DATE/TIME RECOVERED: 02-04-07 14/46 HRS

27. INSTRUCTIONS 1) Insert a synopsis of the crime or incident. 2) Itemize and describe property including values, serial numbers and engravings. 3) Indicate how evidence marked for identification. 4) Use Continuation Page to identify any witnesses or to list additional facts

Synopsis

ON DATE & TIME I RECOVERED (1) YAMAHA 450 SN# JYACJ10C66A002165 FROM [redacted] MAUI FROM MR. KALEPA

Item Number	Quantity	Description	Value	Engraving and Serial Number
1	1	YZ 450 YELLOW/BLACK		JYACJ10C 66A002165
2	1	FMF MOTORCYCLE LIFT STAND		
3	1	MOTORCYCLE MUFFLER PLUG (ORANGE		

28. CHAIN OF CUSTODY

Item No.	From		To		Date	Time
1-7	ARCHIE KALEPA	AK	J. YAMAMOTO	JY	02-04-07	1448 HRS
1-3	J. YAMAMOTO	JY	D. TAN		2-14-07	1630

29. REPORT WRITTEN BY: J. YAMAMOTO
Badge or I.D. Number: 235
Date/Time: 02-04-07 1448 HRS
Supervisor Approving: [signature]
Badge No.: 72

30. DISPOSITION
61 ( ) Auction
62 ( ) Ret. to Owner
83 ( ) Ret. to Finder
85 ( ) Destroyed by
98 ( ) Records Only
99 ( ) Others

31. EVIDENCE CUSTODIAN: [signature]
Date/Time: 2/14/07 1630

32. DATE/TIME REPRODUCED

33. CONNECTING REPORT NUMBERS

Department of Land and Natural Resources
Division of Conservation and Resources Enforcement
54 South High Street, Room 101
Wailuku, Hawaii

FOLLOW UP BY EVIDENCE CUSTODIAN

State of Hawaii vs. HALFHILL, Richard
DAVIS, Antoinette

Evidence recovered by:

Officer: Kenneth Bode # 146
Date: 2/4/2007
Time: 1255 hours
Citation / Case #: MA 07-846

Items recovered:

1 1-Honda 250R motorcycle, 2005 model, VIN: JH2ME10385M102494.
2 1-Honda CRF 230F motorcycle, 2004 model, VIN: 9C2ME09024R006531.
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Evidence Recovered by: Clarence YAMAMOTO # 10
Evidence Custodian

Date Received: 2/4/2006
Time Received: 1500 HOURS

Evidence Secured Within:

Evidence Room [XXXXXXX] Armory

DOCARE Freezer [ ]

Gun Safe [ ]

Dep. DOCARE - DLNR
Div. MAUI

STATE OF HAWAII
PROPERTY REPORT

COPY

DOCARE-9

EVIDENCE ✓
FOUND PROPERTY ( )

1. REPORT/CITATION NUMBER

CLASSIFICATION	2. INVESTIGATOR	3. DISTRICT
LD - LAND MANAGEMENT - ILLEGAL MOTOR OPERATION	K. BODE / R. DECAMBRA	MAALAEA

4. COMPLAINANT'S NAME	5. SEX	RACE	AGE	6. BIRTH DATE	7. OCCUPATION
N. YEN	M	CAU			CRCO

8. ADDRESS	9. PLACE EMPLOYED/SCHOOL ATTENDING	Res. Ph.	Bus. Ph.
175 S. PUUNENE AVE.		873-3940	

10. LOCATION OF INCIDENT/INTERSECTING STREET	11. DATE/TIME/DAY OCCURRED	12. DATE/TIME REPORTED
HANAULA - UNEMCOMBUL STATE LANDS	2-4-07 / 1040 / SUNDAY	2-4-07

13. REPORTED BY	14. SEX	RACE	AGE	15. BIRTH DATE	16. OCCUPATION
SAME AS ABOVE					

17. ADDRESS	18. PLACE EMPLOYED/SCHOOL ATTENDING	Res. Ph.	Bus. Ph.

19. PROPERTY OF	20. SEX	RACE	AGE	21. BIRTH DATE	22. OCCUPATION
R. HALFHILL ✓ Owner ( ) Victim ( ) Defendant	[redacted]				

23. ADDRESS	24. PLACE EMPLOYED/SCHOOL ATTENDING	Res. Ph.	Bus. Ph.
[redacted]		[redacted]	

25. EVIDENCE RECOVERED BY	Badge or I.D. Number	26. DATE/TIME RECOVERED
K. BODE / R. DECAMBRA	146 / 204	2-4-07 / 1200

27. INSTRUCTIONS 1) Insert a synopsis of the crime or incident. 2) Itemize and describe property including values, serial numbers and engravings. 3) Indicate how evidence marked for identification. 4) Use Continuation Page to identify any witnesses or to list additional facts.

Synopsis

ON SUNDAY THE 4 OF FEBRUARY 2007 WHILE RESPONDING TO A COMPLAINT OF ILLEGAL DIRT BIKE ACTIVITY IN THE HANAULA AREA ITEMS STATED BELOW WERE CONFISCATED AS EVIDENCE

Item Number	Quantity	Description	Value	Engraving and Serial Number
1	1	HONDA 250R, MODEL 2003, VIN # JH2ME10355M112494	?	TAGGED WITH DATE TIME AND LOCATION
2	1	HONDA CRF 230F, MODEL 2004, VIN # 9C2ME09024R006531	?	" "

28. CHAIN OF CUSTODY

Item No.	From	To	Date	Time
1+2	OWNER - R. HALFHILL	K. BODE	2/4/07	1255
1+2	K. BODE	L. YAMAMOTO	2/4/07	1500

29. REPORT WRITTEN BY	Badge or I.D. Number	Date/Time	Supervisor Approving	Badge No.
N. YEN / [signature]	146	02-04-07 /	[signature]	20

30. DISPOSITION
61 ( ) Auction 62 ( ) Ret to Owner 63 ( ) Ret to Finder 65 ( ) Destroyed by 98 ( ) Records Only 99 ( ) Others

31. EVIDENCE CUSTODIAN [signature] Date/Time 02-05-07 / 1500

32. DATE/TIME REPRODUCED

33. CONNECTING REPORT NUMBERS

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

Robert K. Masuda
DEPUTY DIRECTOR – LAND

Dean Nakano
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Conservation & Resources Enforcement

54 South High Street, #101

Wailuku, Hawaii 96793

TO : PROSECUTOR'S OFFICE

VIA : RANDY AWO, BRANCH CHIEF, MAUI DOCARE

FROM : DEXTER TOM # 20, EVIDENCE CUSTODIAN

SUBJECT: MOTION TO DISPOSE EVIDENCE

DATE : 2-7-07

Defendant's Name: WALDROP, Randy

Date of Offense: 2-4-07

Report # : MA-07-846

Evidence in custody:

1. (One) KTM 300cc / Motorcycle orange/black in color: Ser.# VBKEXK2301M417776

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

Upon conclusion of this case, request that a written motion to dispose of evidence be made. Order to dispose can be written on the court calendar or the Gold copy of the citation that is returned to DOCARE.

Department of Land and Natural Resources
Division of Conservation and Resources Enforcement
54 South High Street, Room 101
Wailuku, Hawaii

FOLLOW UP BY EVIDENCE CUSTODIAN

State of Hawaii vs. **WALDROP, Randy**

Evidence recovered by:

Officer: J. YAMAMOTO
Date: 2/4/2007
Time: 3:07pm
Citation / Case #: MA-07-846

EVIDENCE RECOVERED:

1- KTM 300CC/ Motorcycle-orange and black in color
Ser. #VBKEXK2301M417776

Evidence Recovered by: Dexter TOM # 20
Evidence Custodian

Date Received: 2/4/2007
Time Received: 4:30PM

Evidence Secured Within:

- Evidence Room ☐
- DOCARE Freezer ☐
- Gun Safe ☐

Dept. BLNR/DOCARE
Div.

STATE OF HAWAII
PROPERTY REPORT

DOCARE-9

EVIDENCE [X]
FOUND PROPERTY [ ]

1. REPORT/CITATION NUMBER: MA-07-846

CLASSIFICATION: LAND MANGEMENT (1400)

2. INVESTIGATOR: J. YAMAMOTO

3. DISTRICT: WAIKIKI

4. COMPLAINANT'S NAME: SASHA SMITH

5. SEX: F | RACE | AGE

6. BIRTH DATE

7. OCCUPATION: WEBSITE TECH.

8. ADDRESS: 40 DUFAU

9. PLACE EMPLOYED/SCHOOL ATTENDING

Res. Ph | Bus. Ph

10. LOCATION OF INCIDENT/INTERSECTING STREET: HANAULA STATE LAND

11. DATE/TIME/DAY OCCURRED

12. DATE/TIME REPORTED

13. REPORTED BY: GORDON YEU

14. SEX: M | RACE | AGE

15. BIRTH DATE: [redacted]

16. OCCUPATION: CIRCO III

17. ADDRESS: [redacted]

18. PLACE EMPLOYED/SCHOOL ATTENDING: DLNR DOCARE

Res. Ph | Bus. Ph: [redacted]

19. PROPERTY OF: RANDY WALDROP
[X] Owner [ ] Victim [X] Defendent

20. SEX: [redacted] | RACE | AGE

21. BIRTH DATE: [redacted]

22. OCCUPATION: MECHANIC

23. ADDRESS: [redacted]

24. PLACE EMPLOYED/SCHOOL ATTENDING: ~~[illegible]~~ LAHAINA FOREIGN CAR

Res. Ph. | Bus. Ph: [redacted]

25. EVIDENCE RECOVERED BY: J. YAMAMOTO

Badge or I.D. Number: 235

26. DATE/TIME RECOVERED: 02-04-07 1507 HRS

27. INSTRUCTIONS 1) Insert a synopsis of the crime or incident. 2) Itemize and describe property including values, serial numbers and engravings 3) Indicate how evidence marked for identification. 4) Use Continuation Page to identify any witnesses or to list additional facts.

Synopsis:

ON DATE + TIME I RECOVERED (1) KTM 300 SN# VBIKEXK230 IM417776 FROM [redacted], MAUI FROM MR KALEPA WHERE BIKE WAS PARKED

Item Number	Quantity	Description	Value	Engraving and Serial Number
	1	KTM 300 ORANGE/BLACK		VBIKEXK230 IM417776

28. CHAIN OF CUSTODY

Item No	From	To	Date	Time
1-1	ARCHIE KALEPA (AK)	J. YAMAMOTO	02-04-07	1509 HRS
1-1	J. YAMAMOTO, J.	DLNR	2/4/07	1630

29. REPORT WRITTEN BY: J. YAMAMOTO | Badge or I.D. Number: 235 | Date/Time: 02-04-07 1509 HRS | Supervisor Approving: [signature] | Badge No: 70

30. DISPOSITION
61 ( ) Auction
62 ( ) Ret to Owner
63 ( ) Ret to Finder
65 ( ) Destroyed by
98 ( ) Records Only
99 ( ) Others

31. EVIDENCE CUSTODIAN: [signature] | Date/Time: 2/4/07, 1630

32. DATE/TIME REPRODUCED

33. CONNECTING REPORT NUMBERS

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

Robert K. Masuda
DEPUTY DIRECTOR – LAND

Dean Nakano
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AQUATIC RESOURCES
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CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Conservation & Resources Enforcement

54 South High Street, #101

Wailuku, Hawaii 96793

TO : PROSECUTOR'S OFFICE

VIA : RANDY AWO, BRANCH CHIEF, MAUI DOCARE

FROM : DEXTER TOM # 20, EVIDENCE CUSTODIAN

SUBJECT: MOTION TO DISPOSE EVIDENCE

DATE : 2-7-07

Defendant's Name: SMITH, Ernest Kalei

Date of Offense: 2-4-07

Report # : MA-07-846

Evidence in custody:

1. 1-Honda 250 CR / White and black, Ser.# JH2ME0337YM202533

2. Tie down straps

3

4

5

6

7

Upon conclusion of this case, request that a written motion to dispose of evidence be made. Order to dispose can be written on the court calendar or the Gold copy of the citation that is returned to DOCARE.

Department of Land and Natural Resources
Division of Conservation and Resources Enforcement
54 South High Street, Room 101
Wailuku, Hawaii

FOLLOW UP BY EVIDENCE CUSTODIAN

State of Hawaii vs. **SMITH, Ernest Kalei**

Evidence recovered by:

Officer: J. YAMAMOTO
Date: 2/4/2007
Time: 1:17pm
Citation / Case #: **MA-07-846**

EVIDENCE RECOVERED:

1- Honda 250CR / White and black Ser.# JH2ME0337YM202533
2- Tie down straps

Evidence Recovered by: Dexter TOM # 20
Evidence Custodian

Date Received: 2/4/2007
Time Received: 2:48pm

Evidence Secured Within:

Evidence Room ☐

DOCARE Freezer ☐

Gun Safe ☐

Dept. DLNR/DOCARE
Div.

STATE OF HAWAII
PROPERTY REPORT

DOCARE-9

EVIDENCE (✓)
FOUND PROPERTY ( )

1. REPORT/CITATION NUMBER: MA-07-846

CLASSIFICATION: LAND MANAGEMENT (1400)
2. INVESTIGATOR: J. YAMAMOTO
3. DISTRICT: WAILUKU
4. COMPLAINANT'S NAME: SASHA SMITH
5. SEX: F RACE: AGE:
6. BIRTH DATE:
7. OCCUPATION: WILD LIFE TECH.
8. ADDRESS: HANAULA STATE LAND
9. PLACE EMPLOYED/SCHOOL ATTENDING: Res. Ph. Bus. Ph.
10. LOCATION OF INCIDENT/INTERSECTING STREET: C/O DOFAW
11. DATE/TIME/DAY OCCURRED:
12. DATE/TIME REPORTED:
13. REPORTED BY: GORDON YEN
14. SEX: M RACE: AGE:
15. BIRTH DATE:
16. OCCUPATION: CREO III
17. ADDRESS: 54 S. HIGH ST. WAILUKU
18. PLACE EMPLOYED/SCHOOL ATTENDING: DLNR DOCARE Res. Ph. Bus. Ph. 243-5173
19. PROPERTY OF: KALEI SMITH, EARNEST (✓) Owner — ( ) Victim (✓) Defendant
20. SEX: [redacted] RACE: [redacted] AGE: [redacted]
21. BIRTH DATE: [redacted]
22. OCCUPATION: ISLAND MOVER
23. ADDRESS: [redacted]
24. PLACE EMPLOYED/SCHOOL ATTENDING: ISLAND MOVER Res. Ph. Bus. Ph. [redacted]
25. EVIDENCE RECOVERED BY: J. YAMAMOTO Badge or I.D. Number: 235
26. DATE/TIME RECOVERED: 02-04-07 1315 HRS

27. INSTRUCTIONS 1) Insert a synopsis of the crime or incident 2) Itemize and describe property including values, serial numbers and engravings 3) Indicate how evidence marked for identification 4) Use Continuation Page to identify any witnesses or to list additional facts.

Synopsis:
ON DATE & TIME I RECOVERED (1) WHITE/BLACK HONDA CR 250 AT [redacted] WAILUKU HI

Item Number	Quantity	Description	Value	Engraving and Serial Number
	1	HONDA 250 CR WHITE/BLACK		JHJMEC33 7YM202553
	2	TIE DOWN STRAPS		—

28. CHAIN OF CUSTODY: EARNEST

Item No	From	To	Date	Time
1-2	KALEI SMITH [signature]	J. YAMAMOTO [signature]	02-04-07	13:17
1-2	J. YAMAMOTO [signature]	D. TOM	2-4-07	1630

29. REPORT WRITTEN BY: J. YAMAMOTO Badge or I.D. Number: 235 Date/Time: 1317 02-04-07
Supervisor Approving: [signature] Badge No.: 20

30. DISPOSITION: 61 ( ) Auction 62 ( ) Ret to Owner 63 ( ) Ret to Finder 65 ( ) Destroyed by 98 ( ) Records Only 99 ( ) Others

31. EVIDENCE CUSTODIAN: [signature] Date/Time: 2/4/07 1630

32. DATE/TIME REPRODUCED:
33. CONNECTING REPORT NUMBERS:

March 2, 2007

TO: Board of Land & Natural Resources

VIA: Daniel Ornellas, District Land Agent, Maui

FROM: Randy Awo, Branch Chief, Maui DOCARE

SUBJECT: UNAUTHORIZED USE OF VEHICLES – HANA'ULA, MAUI

Aloha Daniel,

Attached for your review is Investigation MA-07-846. This case involves the unauthorized use of motorcycles within the area known as Hana'ula. Maui DOCARE is referring this matter to the Board of Land & Natural Resources for final disposition. Therefore, I am requesting your assistance in reviewing and preparing this case for the next available Land Board Hearing. Your assistance on this matter is greatly appreciated.

Mahalo,

Randy K. Awo 3/2/07

Randy Awo, Branch Chief, Maui DOCARE