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Attorney for Defendant
CHRISTIAN GUTIERREZ

Electronically Filed
FIRST CIRCUIT
1PC161001916
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

| | | |
|----------------------|---|----------------------------------|
| STATE OF HAWAII, |) | CR. NO. 1PC161001916 |
| |) | |
| Plaintiff, |) | <u>COUNT 1:</u> |
| |) | THEFT IN THE SECOND DEGREE |
| v. |) | (§708-831(1)(b), <u>H.R.S.</u>) |
| |) | <u>COUNT 2:</u> |
| CHRISTIAN GUTIERREZ, |) | PROHIBITED ACTIVITIES |
| |) | <u>COUNT 3:</u> |
| Defendant. |) | PROHIBITED ACT IN NATURAL AREA |
| |) | RESERVE |
| |) | (13-209-4(1), <u>H.A.R.</u>) |
| |) | <u>COUNT 4:</u> |
| |) | CRIMINAL PROPERTY DAMAGE IN |
| |) | THE FOURTH DEGREE |
| |) | (708-823, <u>H.R.S.</u>) |
| |) | <u>COUNTS 5-19:</u> |
| |) | CRUELTY TO ANIMALS |
| |) | (711-1109(1)(c), <u>H.R.S.</u>) |
| |) | |
| |) | NOTICE OF INTENT TO PLAY VIDEO |
| |) | OF JUVENILE IDENTIFIED AS "RJ" |
| |) | BRANDISHING A MACHETE AT |
| |) | SENTENCING |
| |) | |
| |) | Sentencing: June 1, 2017 |
| |) | Time: 11:00 a.m. |
| |) | Judge: Jeannette Castagnetti |

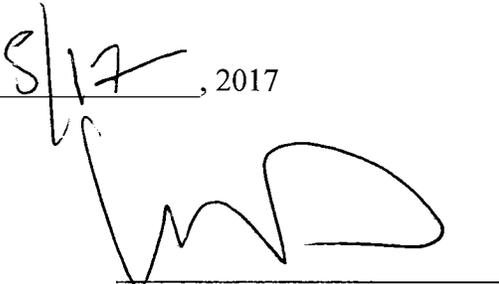
NOTICE OF INTENT TO PLAY VIDEO OF JUVENILE
IDENTIFIED AS "RJ" BRANDISHING A MACHETE AT SENTENCING

TO: JANICE T. FUTA
Deputy Prosecuting Attorney
Dept. of the Prosecuting Attorney
1060 Richards Street, 9th Floor
Honolulu, Hawaii 96813

Defendant CHRISTIAN GUTIERREZ, by and through his attorney, MYLES S. BREINER, hereby gives formal notice of Defendant's intention to play a video of a juvenile identified as "RJ" brandishing a machete on December 27, 2015 at Kaena Point at sentencing. Defendant Christian Gutierrez respectfully asks that the Court be cleared out during the presentation of the video to preserve the juvenile's identity.

H.R.S. § 706-604(1) states, "Before imposing sentence, the court shall afford a fair opportunity to the defendant to be heard on the issue of the defendant's disposition." The video is crucial evidence that corroborates Defendant Christian Gutierrez's disposition on not being the architect of this incident, and was provided to the Prosecution on April 28, 2017.

Dated: Honolulu, Hawaii, 5/17, 2017



MYLES S. BREINER

Attorney for Defendant
CHRISTIAN GUTIERREZ