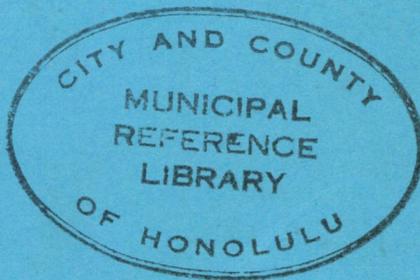


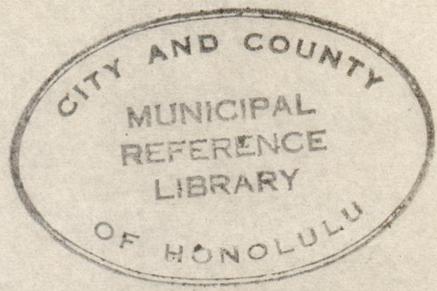
1951  
ANNUAL REPORT  
of the  
PUBLIC PROSECUTOR'S OFFICE



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March 10, 1952.



Honorable John H. Wilson  
Mayor, City and County of Honolulu,  
Honolulu, T. H.

Sir:

In conformity with the provisions of Section 6652, Revised Laws of Hawaii 1945, I submit my report of the operations of the Office of the Public Prosecutor for the year 1951.

The year's work began with the newly appointed Public Prosecutor's inheritance of a large backlog of cases awaiting trial on the criminal calendar of the Circuit Court. This situation which presented itself in 1949 and prevails at the time of this report, is largely due to the lack of an adequate number of Circuit judges. It must be stressed that the criminal calendar of the Circuit Court today is too great an undertaking for one judge. Some relief appears to be in sight with the creation of the seventh judgeship.

The appellate work of this office was hindered during the year by the absence of a fully manned Territorial Supreme Court. This situation has been recently corrected by the elevation of Associate Justice Edward A. Towse to the high office of Chief Justice and the appointment of the Honorable Ingram M. Stainback as an Associate Justice.

In January the case of Territory of Hawaii v. Palakiko, et al, was successfully argued in the Court of Appeals for the Ninth Circuit at San Francisco, where the court sustained the conviction in the Hawaiian trial court. This murder prosecution was defended recently in the habeas corpus hearing held before the Territorial Supreme Court with Mr. James Morita of this office assisting the Attorney General in his presentation of the matter.

Again in July the Prosecutor appeared in the Court of Appeals for the Ninth Circuit and successfully defended the Territory's

June - 1952

March 10, 1952.

prosecution of Clarence J. Caminos, former police captain who was convicted of accepting bribes from gamblers. This case is on the docket of the Supreme Court of the United States where the defendant is seeking a review of his conviction.

Prosecution of cases in the district courts of Oahu, except Honolulu, are handled by police officers who act as prosecuting attorneys. It is recommended that a more efficient system of prosecution would be attained by assigning a prosecutor to cover these country courts. This would mean the appointment of another assistant public prosecutor and a clerk to take care of the five country district courts.

Additional lawyers are required at the Honolulu District Court to move the large volume of cases which enter the legal stream each year at the police court level. At present five assistant public prosecutors are available to five district magistrates. It is recommended that two additional lawyers be engaged to ease the present burden and to care for sick leaves and vacations.

While the staff at City Hall is adequate, office space is inadequate. I have four men packed into a little office which was designed to accommodate one person.

The prosecutor urges that bills be prepared and presented to the Legislature designed to greater protect persons on the streets of Honolulu from injuries due to vehicular traffic. The violent deaths to pedestrians killed in crosswalks this year have been shocking.

The prosecutor further urges that the Territorial Legislature consider the present laws on the subject of narcotics with a view of increasing the penal provisions of such laws. The health and moral of Hawaii's youths demand that this matter be presented to the next Legislature.

Respectfully submitted,

(s) Allen R. Hawkins

Allen R. Hawkins  
Public Prosecutor of the  
City and County of Honolulu

ELK

CRIMINAL REPORT OF THE PUBLIC PROSECUTOR'S  
OFFICE FOR THE YEAR 1951

	Cases disposed	Defts. disposed	Defts. convicted	Defts. acq'd.	Defts. N.P.	Defts. Dis., Cons. or No Bill	Appeals withdrawn	Appeals dismissed	Mitigation granted	Mitigation denied	Other disposition	Cases pending
Adultery .....	1	1	1									
Arson in the first degree .....	1	1				1						
Assault .....												1
Assault and battery .....	41	41	18	4	12			6	4			39
Assault with weapon obviously and imminently dangerous to life .....												2
Assault & battery with weapon obviously and imminently dangerous to life .....(a)	13	13	6	2		4						13
Assault & battery on police officer	1	1								1		2
Assault & battery with intent to maim or disfigure .....												1
Assault, Indecent .....	6	6	8			2						4
Assault with intent to rape .....	1	1			1							1
Bribe, Giving a .....												1
Bribe, Receiving a .....												1
Bribery .....	1	1	1									4
Bribery, Attempted .....	1	1		1								
Building Code, Vio. of .....(h)	2	2	1								1	
Burglary 1 <sup>o</sup> , Attempted .....	2	2	2									
Burglary 1 <sup>o</sup> .....	61	70	57		3	10						23
Burglary 1 <sup>o</sup> , Accessory before fact to the commission of .....												2
Burglary 1 <sup>o</sup> and larceny 2 <sup>o</sup> .....	1	1	1									
Burglary 2 <sup>o</sup> .....	13	13	10	1		2						8
Carnal abuse of female under 12.(b)	5	5	1									4
Carrying a deadly weapon .....	1	1	1									6
Cockfight .....												
Child stealing .....	2	2				2						
Common nuisance .....	1	1	1									
Conspiracy 1 <sup>o</sup> .....	1	4	4									
Conspiracy 1 <sup>o</sup> and gambling .....(c)	1	5				1						1
<b>Forwarded .....</b>	<b>156</b>	<b>172</b>	<b>112</b>	<b>8</b>	<b>17</b>	<b>21</b>	<b>-</b>	<b>-</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>112</b>

	Cases disposed	Defts. disposed	Defts. convicted	Defts. acc'td.	Defts. N.P.	Defts. Dis., Cons. or No bill	Appeals withdrawn	Appeals dismissed	Mitigation granted	Mitigation denied	Other disposition	Cases pending
Brought forward .....	156	172	112	8	17	21	-	-	6	5	1	112
Contributing to the delinquency of a minor .....	29	32	26		6							23
Contributing to the dependency of a minor .....												2
Disorderly conduct .....	3	3	1		2							
Disorderly house, Maintaining a ...	2	2	2									
Disorderly person .....	2	2			2							3
Disturbing the quiet of the night..	1	1	1									1
Drunkenness .....	3	3	1							2		1
Embezzlement .....	6	6	6									8
Escape .....	1	1				1						1
Escape, Attempted .....	1	2	2									
Extortion 2 <sup>o</sup> .....												2
Failure to render assistance .....	5	5	3			2						6
Fornication .....	1	1			1							
Falsely obtaining welfare benefits.	1	1	1									
Falsifying employment record of employees .....	1	1		1								
Forgery .....	3	3	1			2						
Forgery & passing a forged writing.	8	8	8									19
Forged writing, Passing a .....	2	2	2									
Fraudulently drawing on bank .....	3	3								3		5
Gambling .....	5	7	8	3								13
Gambling, Being present at .....	3	38	31		6			1				2
Gambling, Being present and participating in .....	1	1								1		6
Gambling, Present in a barricaded place .....												1
Gambling in a barricaded place ....	3	3			3							
Going offensively armed .....	5	5	3						1	1		4
Forwarded .....	245	302	208	12	37	26	-	1	7	12	1	209

	Cases disposed	Defts. disposed	Defts. convicted	Defts. acq'd.	Defts. N.F.	Defts. Dis., Con. or No bill	Appeals withdrawn	Appeals dismissed	Mitigation granted	Mitigation denied	Other disposition	Cases pending
Brought forward .....	245	302	208	12	37	26	-	1	7	12	1	209
Gross Cheat .....	2	2			2							1
Gross Cheat and Conspiracy in the first degree .....												1
Incest .....	2	2	1		1							1
Indecent exposure .....	1	1						1				
Interfering with the duties of a police officer .....	4	4	1		1			2				1
Larceny 1 <sup>o</sup> .....	41	43	30	1	1	10						19
Larceny 1 <sup>o</sup> , Attempted .....												1
Larceny 2 <sup>o</sup> .....	4	4	1	1	1			1			1	5
Larceny 2 <sup>o</sup> , Attempted .....												1
Larceny under false pretenses..												29
Larceny under false pretenses in the first degree and Conspiracy in the first degree...												6
Larceny 1 <sup>o</sup> , Accessory before the fact to .....												1
Lewdness, Aiding another in the commission of an act of .....	1	1	1									
Lewd and lascivious conduct ...	4	4	2		2							4
Lottery .....	8	8	8									1
Liquor, Aiding and abetting in obtaining .....												1
Liquor, Consumption of - on unlicensed premises .....	2	13	13									
Liquor, Selling - without a license .....	13	13	12		1							7
Maiming .....	1	1				1						1
Malicious burning 1 <sup>o</sup> .....												17
Malicious conversion .....	32	39	36					3				
Malicious conversion, Attpt'd...	1	1	1									4
Malicious injury .....	1	1		1								1
Malicious injury, Attpt'd.....												8
Manslaughter .....	4	4	1									1
Murder 1 <sup>o</sup> .....	3	3			1						1	4
Murder 2 <sup>o</sup> .....			1									1
Murder 2 <sup>o</sup> .....	1	1			1							5
Negligent homicide .....	2	2	2	1								1
Non-support .....	3	3	2					1				
Forwarded .....	375	452	320	16	48	40	-	1	12	12	3	331

	Cases disposed	Defts. disposed	Defts. convicted	Defts. acq'd.	Defts. N.P.	Defts. Dis., Cons. or No bill	Appeals withdrawn	Appeals dismissed	Mitigation granted	Mitigation denied	Other disposi- tion	Cases pend- ing
Brought forward .....	375	452	320	15	46	40	-	1	12	12	3	531
Perjury .....	1	1		1								3
Polygamy .....	1	1	1									1
Possession of heroin .....	2	2	2									3
Possession of marihuana .....												2
Possession of mallet out of season .....	1	1	1									1
Profanity .....	5	5	4	1								1
Profanity over the telephone .....	1	1	1									1
Possession of spurs(cockfight).....												1
Procuring and pimping .....	10	10	5			5						7
Prostitution .....	28	28	22		5			1				31
Prostitution, Accessory to an act of .....												1
Prostitution, Aiding & abetting in an act of .....	4	4	3		1							7
Rape .....	2	2				2						6
Receiving stolen goods .....	2	2	2									
Refusal to pay wages .....	2	2		2								
Rent control ordinance, viol. of..	7	7		1			6					5
Robbery 1 <sup>o</sup> .....	1	2	2									4
Robbery 1 <sup>o</sup> and Conspiracy 1 <sup>o</sup> .....												1
Robbery 1 <sup>o</sup> , Accessory before the fact to commission of .....	1	1	1									2
Robbery 2 <sup>o</sup> .....	4	7	7									2
Robbery 2 <sup>o</sup> , Attempted .....	1	1	1									
Sodomy .....	9	11	8	1		2						3
Sodomy, Attempted .....												1
Soliciting .....	25	25	23		1				1			17
Soliciting, Aiding and abetting in commission of .....	1	1	1									
Sexual intercourse with a female under 15 .....	52	52	44	1	1	6						29
Threatening .....	13	13	6	2	4			1				11
Trespassing .....	3	4	1	2					1			1
Unlawfully on the premises of another .....	5	5	3						2			1
Unregistered firearm .....	1	1	1									1
Unlawfully poss. of drugs .....												1
Unlicensed premises .....												1
Vagrancy .....	1	1	1									
Forwarded .....	558	642	460	27	60	55	6	3	16	12	3	473

	Cases disposed	Defts. disposed	Defts. convicted	Defts. acq'td.	Defts. N.P.	Defts. Dis., Cons. or No Bill	Appeals withdrawn	Appeals dismissed	Mitigation granted	Mitigation denied	Other disposition	Cases pending
Brought forward .....	558	642	460	27	60	55	6	3	16	12	3	473
<b>Traffic violations:</b>												
Boulevard Stop .....												2
Brakes, Inadequate - on trailer of gross tonnage of 3000# .....	1	1								1		
Careless & heedless driving ..(i)	18	18	10	2	3				3			13
Crossing double white center lines	1	1	1									4
Disregarding traffic signal .....												1
Driving on divided highway .....												1
Driving on left side of highway..	1	1								1		
Driving on wrong side of roadway.	1	1	1									
Driving without a license .....	6	6	1		1				4			5
Driving while license revoked ...	2	2							2			
Driving while license suspended..	5	5	3						2			2
Driving while intoxicated .....	41	41	29	4	1			1	2	4		68
Driving while intoxicated and Careless & heedless Driving..(j)	1	1										
Failure to be accompanied by licensed operator .....	1	1	1									
Failure to come to stop at medial strip .....	1	1	1									
Failure to obey traffic control devices .....	1	1	1									
Failure to report accident .....	1	1							1			1
Following too closely .....	3	3							3			3
Fraudulent use of license plates.	1	1							1			
Going through red light .....	1	1	1									1
Illegal overtaking on left .....												1
Improper overtaking .....	1	1		1								2
Leaving scene of accident .....	1	1					1					14
Overloading .....												
Passing on right .....	2	2	1		1							
Right of way .....	19	19	10	2					6	1		16
Signal on starting, etc.....												1
Speeding .....	8	8	6	1					2			4
Starting from parked position w/o ascertaining that such movement could be made in safety .....												1
Forwarded .....	675	759	526	37	66	55	7	4	42	19	3	612

	Cases disposed	Defts. disposed	Defts. convicted	Defts. acq'd.	Defts. N.P.	Defts. Dis. or No bill	Cons. Appeals withdrawn	Appeals dismissed	Mitigation granted	Mitigation denied	Other disposition	Cases pending
Brought forward .....	675	759	526	37	66	55	7	4	42	19	3	612
<u>Traffic violations (contd.)</u>												
Turning before first seeing that such movement could be executed in safety .....												1
Unsafe backing .....	2	2	1	1								2
Unsafe changing of lanes .....												1
Unsafe emergence from parked position .....												1
Unsafe movement .....	3	3	2	1								6
Unsafe left turn into private driveway .....												1
Vio. of signals on starting, stopping or turning .....	1	1	1									
Total .....	681	765	530	39	66	55	7	4	42	19	3	624

Remarks:

- (a) Assault and battery with a weapon obviously and imminently dangerous to life -- 1 case - 1 defendant -- convicted of Assault and battery.
- (b) Carnal abuse of a female under 12 -- 4 cases - 4 defendants -- convicted of Indecent Assault.
- (c) Conspiracy 1<sup>o</sup> and Gambling -- 1 case - 5 defendants -- 4 defendants convicted of Gambling and the case against the fifth defendant was nolle pressed.
- (d) Larceny 1<sup>o</sup> - 1 case - 1 defendant -- convicted of Larceny 2<sup>o</sup>.
- (e) Larceny 2<sup>o</sup> - 1 case - 1 defendant -- Plea to jurisdiction sustained and case remanded to district court for hearing.
- (f) Manslaughter -- 2 cases - 2 defendants -- convicted of Assault and battery; 1 case - 1 defendant -- convicted of Negligent Homicide.
- (g) Murder 1<sup>o</sup> -- 1 case - 1 defendant -- convicted of Murder 2<sup>o</sup>; 1 case - 1 defendant -- Plea in Bar sustained.
- (h) Violation Building Ordinance - 1 case - 1 defendant -- Motion to dismiss sustained.
- (i) Careless and heedless driving -- 1 case - 1 defendant -- convicted of Speeding.
- (j) Drunk Driving and Careless and heedless driving -- 1 case - 1 defendant -- convicted of Careless and heedless driving.

SUMMARY OF CASES HANDLED IN THE CIRCUIT COURT  
DURING THE YEAR 1951

Cases pending January 1, 1951 .....	269	
New cases filed during the year 1951 .....	1036	
Cases reinstated during the year 1951 .....	<u>2</u>	1307
Cases disposed of during the year 1951 .....		<u>683</u> *
Cases pending December 31, 1951 .....		624

\*2 cases disposed of during the year 1951 were later reinstated and are now listed under pending cases as of January 1, 1952.

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CASES HANDLED IN THE SUPREME COURT OF THE UNITED  
STATES AT WASHINGTON, D.C., DURING THE YEAR  
1951

Cases pending January 1, 1951 .....	-	
New cases filed during the year 1951 .....	<u>1</u>	1
Cases disposed of during the year 1951 .....		<u>-</u>
Cases pending December 31, 1951 .....		1

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CASES HANDLED IN THE SUPREME COURT OF THE TERRITORY  
OF HAWAII DURING THE YEAR 1951

Cases pending January 1, 1951 .....	19	
New cases filed during the year 1951 .....	<u>7</u>	26
<u>Cases disposed of during the year 1951:</u>		
Judgments affirmed .....	1	
Judgment of lower court affirmed except sentence of lower court modified .....	1	
Appeal dismissed .....	<u>1</u>	<u>3</u>
Cases pending December 31, 1951 .....		23

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CASES HANDLED IN THE NINTH CIRCUIT COURT OF  
APPEALS AT SAN FRANCISCO DURING THE YEAR 1951

Cases pending January 1, 1951 .....	2	
New cases filed during 1951 .....	-	2
Cases disposed of during the year 1951 .....		<u>2*</u>
Cases pending December 31, 1951 .....		-

\*Judgments in both cases were affirmed in favor of the Territory of Hawaii.

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CRIMINAL MATTERS REFERRED TO PUBLIC PROSECUTOR'S  
OFFICE FOR INVESTIGATION AND DISPOSITION BY POLICE  
DEPARTMENT DURING THE YEAR 1951

Matters pending January 1, 1951 .....	56	
New matters referred during 1951 .....	<u>549</u>	605
Matters disposed of during 1951 .....		<u>549</u>
Matters pending December 31, 1951 .....		56

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PROBATION CASES

During the year 1951, 115 motions pertaining to probation cases were presented to the court and the following dispositions were made:

Motions for revocation of probation presented and granted ....	42	
Motions to amend or modify Orders of probation presented and granted .....	24	
Motions to terminate probation presented and granted .....	41	
Motions to revoke probation presented and denied .....	6	
Motion to extend probation presented and granted .....	1	
Petition for restoration of driver's license while defendant still on probation presented and later withdrawn .....	<u>1</u>	115

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CASES HANDLED IN THE DISTRICT COURT OF HONOLULU  
DURING THE YEAR 1951

Cases pending January 1, 1951 .....	488	
New cases filed during the year 1951 .....	<u>73,895</u>	74,383
Cases disposed of during the year 1951 .....		<u>74,006</u>
Cases pending December 31, 1951 .....		377

SUMMARY OF RECEIPTS AND EXPENDITURES

RECEIPTS

Receipts received during the year 1951 ..... Nil

EXPENDITURES (\*)

Personal services ..... 114,447.61  
Current expenses ..... 4,622.93  
Capital outlays ..... 281.10  
Total ..... \$119,351.64

Capital outlays for Municipal Law Library .....\$ 1,607.10

(\*) Covered in detail in Departmental Budget Estimates on file with the City and County Controller.

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In addition to the above figures, requests for investigation of complaints covering other statutory violations were received from Territorial, City and County and other agencies during the year 1951. A breakdown of these complaints is listed as follows:

	<u>Investigations Requested</u>	<u>Violations Cleared</u>	<u>Cases Pending</u>	<u>(No case)</u>
Zoning	73	49	15	9
Building and Fire	24	18	1	5
Business licenses	11	10	1	
Rentals	34	24	5	5
Public Works	1	0	0	1
Health	11	10	1	
Public nuisances, etc.	<u>15</u>	<u>10</u>	<u>0</u>	<u>5</u>
Total	169	121	23	25

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**Municipal Reference & Records Center**

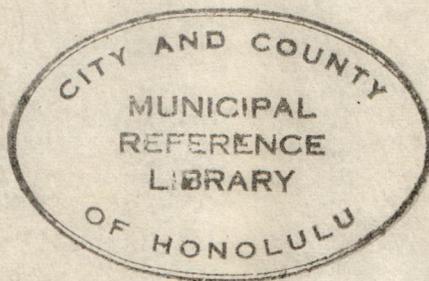
MUNICIPAL REFERENCE LIBRARY  
CITY AND COUNTY OF HONOLULU

The Library of Hawaii and the University of Hawaii Library also submitted requests for aid in clearing their delinquent lists of book borrowers. The following is the breakdown for the year 1951:

Delinquent persons cleared .....	71*
Delinquent persons partially cleared .....	4*
Delinquent persons moved or left Territory.	27
Requests re delinquent persons pending (settlement of losses, contacts, etc.)....	<u>52</u>
Total delinquent persons reported .....	154

\*Approximately 150 books were recovered or paid for.

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A3 Honolulu. Office of the Prosecuting Attorney.

1951 Annual report: Honolulu. Office of the  
copy 2 Prosecuting Attorney. Honolulu: 1951-59.

Annual. Prior to 1959 issued under earlier  
name, Office of the Public Prosecutor.

From 1968/69 continued in Departmental &  
agency reports of the city & county of Honolu-  
lu.

Library holdings: 1951 thru 1958 (2 c.  
each year); 1959 (3 c.).

1. Courts - Honolulu. 2. Public prosecutors -  
Honolulu. I. Honolulu. Office of the Public  
prosecutor.