

## JUST COOLIN' IT

Three-year-old Dayvhen Lupica, right, cooled off with his brother Daysen, 6, Sunday with a water hose and a plastic bin outside their family residence in Manoa. The National Weather Service predicts sunny skies all week, with a high of 86 degrees. Today's ultraviolet radiation index for Honolulu is 12, considered "extreme" exposure, and is unmatched across the country except by Albuquerque, N.M., and Puerto Rico, the weather service said. Light tradewinds today will increase through Tuesday as a high-pressure system far north of the islands becomes stronger. Some showers are expected, mostly at night and in the morning.

# Bill seeks leeway for judges in felony drug cases

*A measure allowing sentencing discretion awaits the governor*

By B.J. Reyes  
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Opponents of a proposal to grant judges discretion in setting aside mandatory minimum sentences for drug offenders in certain Class B and Class C felony cases say the law would apply in only a small number of cases.

To supporters of the measure, that's all the more reason Gov. Neil Abercrombie should sign the bill into law.

"We know that it's a manini kind of small step, but it's the best that we've been able to do in decades," said Kat Brady, coordinator for the Community Alliance for Prisons. "What we need to do is show the prosecutors that the sky isn't going to fall, that we're not opening the gates of hell.



**Kat Brady:**  
*Mandatory minimum sentences hurt women, the advocate says*

"This is basically turning discretion over to the courts, and it's not even an elimination of mandatory minimums. It's just a lessening."

The proposal, Senate Bill 68, is among nine bills identified by the governor for a potential veto. Abercrombie informed the Legislature on June 24 of nine bills that he is considering rejecting by Tuesday, the veto deadline.

Like all measures on the veto list, SB 68 had advocates and opponents argu-



**Maile Shimabukuro:**  
*"Treatment as opposed to prison time" is better for some, she says*

ing their case before the administration. Abercrombie also has the option of letting the bill become law without his signature.

Lawmakers have said they are unlikely to call a special session to override any vetoes.

The attorney general's office, along with other state and county law enforcement personnel, opposed the sentencing measure during the legislative session.

Please see **BILLS, B4**

### 9 MEASURES FACE POSSIBLE VETOES

Gov. Neil Abercrombie has until Tuesday to make a final decision on vetoes. He informed the Legislature on June 24 of nine bills he might veto or let become law without his signature.

- >> **SB 3:** Would allow for Office of Hawaiian Affairs board member elections through nonpartisan primary and general elections.
- >> **SB 68:** Would give judges discretion in setting prison terms when sentencing drug offenders in some felony cases.
- >> **SB 1265:** Would limit compensation that property owners may receive in trying to recover property that is presumed abandoned.
- >> **HB 424:** Would authorize the governor to appoint agents to administer certain duties out of state related to conveyance documents for time-share properties.
- >> **HB 619:** Would make feeding feral birds a nuisance.
- >> **HB 654:** Would include members of professional health organizations on the Center of Nursing Advisory Board.
- >> **HB 763:** Would modify composition and quorum of Hawaii State Building Code Council and revise the state Building Code.
- >> **HB 988:** Would amend the Environmental Response Revolving Fund to include support for a standby operations center in response to an oil- or fuel-related disaster.
- >> **HB 1130:** Would allow the governor to appoint five voting members to the Hawaii Health Systems Corp. board.

Source: State Legislature

# BILLS: 'Let the courts decide' sentencing, advocate says

Continued from B1

Class B and C felonies for drug promotion carry mandatory minimum sentences of 10 years and five years, respectively.

Sentencing courts already have a wide range of discretion in sentencing for drug possession offenses, including Drug Court, deferred pleas, probation and treatment, the attorney general's office said.

HAWAII COUNTY Prosecutor Mitchell Roth said the vast majority of violent-crime cases that come through his office are drug-related, with the majority of Class B and C cases stemming from methamphetamine, or ice, possession and distribution.

"Basically, this bill seeks to reduce the penalty to the people who are causing the greatest problems to our community by distributing

drugs, which are the primary cause of most crime in Hawaii County," Roth said in testimony.

Prison advocates say many of the felony cases involve nonviolent offenders caught using drugs.

"They're really not criminals so much as just people that were found in possession of drugs that are addicted to drugs," said state Sen. Maile Shimabukuro (D, Kalaeloa-Waianae-Makaha), the introducer of the bill.

"What they need is treatment as opposed to prison time."

She and Brady said the bill would not take away the power of the courts to impose the mandatory minimums, but allow judges to take other factors into account.

"We're not saying let the courts let everybody out," Brady said. "We're saying let the courts decide."

In a three-page letter to

**"Basically, this bill seeks to reduce the penalty to the people who are causing the greatest problems to our community by distributing drugs, which are the primary cause of most crime in Hawaii County."**

**Mitchell Roth**  
*Hawaii County Prosecutor*

the governor seeking his approval for the bill, Brady cited statistics from 2000 — the last time data were available — showing mandatory minimum laws had a "devastating" effect on women.

WOMEN, OFTEN the primary caregiver of families, have a lower rate of violent-crime convictions and a higher rate of drug-related convictions when compared

with men, and 56.5 percent of women received sentences of at least five years under the mandatory minimum law, Brady wrote.

Shimabukuro agreed that even though the law would apply to only a small number of offenders, it still would be "a great start to at least divert some of these people — that really shouldn't be getting these mandatory sentences — into treatment."

**Robert Masao Gushiken**  
June 13, 2013



Robert Masao Gushiken, 83, of Aiea, a retired state computer operator and an Army veteran, died in Aiea. He was born in Hilo. He is survived by sons Daryl and Lance, daughters Hope Hironaga and Lisa Yafuso, brothers Earl Yamamoto and Bobby Kinjo, sisters Dorothy Stevens and Shirley Kikugawa, nine grandchildren and three great-grandchildren. Visitation: 2:30 p.m. Sunday at Hosoi Garden Mortuary. Services: 3:30 p.m. Casual attire.

**Mildred Miyuki Yamanaka Ikeda**  
June 16, 2013

Mildred Miyuki Yamanaka "Maggie" Ikeda, 90, of Honolulu, a retired public health nurse for Montgomery County, Md., died in Kahala Nui. She was born in Waihee, Maui. She is survived by sons George A. and John P., brother Ralph N. Yamanaka and two grandchildren. Visitation: 9 a.m. Saturday at Hosoi Garden Mortuary. Services: 10 a.m. Casual attire. No flowers. Donations suggested to Kahala Senior Living Community, Attn: Fund Development, 4389 Malia St., Honolulu, HI 96821.

**Edwin Michael Jose**  
July 3, 2013

Edwin Michael "Ed" Jose, 73, of Honolulu, a Sam's Club employee, died in St. Francis Hos-

Charles Jeffrey Benji Tokunaga, 60, of Honolulu, an Applications Engineering Branch employee for the U.S. government at Pearl Harbor Naval Shipyard, died in the Queen's Medical Center. He was born in Honolulu. He is survived by wife Jackie A.; sons Marshall P.M., Colin S.Y. and Chad G.S.; parents Paul Sueki and Jane T. Tokunaga; brothers Guy and Steven; and two grandchildren. Visitation: 9:30 a.m. Saturday at Star of the Sea Parish, 4470 Aliioka St. Services: 11 a.m. Reception to follow. Aloha attire. No flowers.

**Fern Mildred Uluwehiwehionalani Trazo**  
May 7, 2013

Fern Mildred Uluwehiwehionalani Trazo, 70, of Kent, Wash., a retired Panasonic employee in Kent, died in Kent. She was born in Ewa. She is survived by husband Nicolas Jr.; daughters Melinda and Nicole Trazo, and Ivy Wilkerson; seven grandchildren; and two great-grandchildren. Visitation: 9:30 a.m. Friday at Mililani Mortuary-Waipio, makai chapel. Services: 11 a.m. Burial: 11:30 a.m. at Mililani Memorial Park. Aloha attire. Flowers welcome.

**Patricia T. Woo**  
June 29, 2013

Patricia T. Woo, 64, of Mililani, a Tupperware sales director for the Pacific region, died in Mililani. She was born in Honolulu. She is survived by husband Winston S.W., son Gavin, daughter Kris-

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