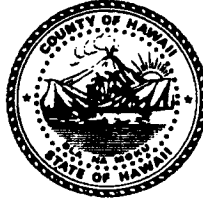


Harry Kim
Mayor



Lincoln S.T. Ashida
Corporation Counsel

Gerald Takase
Assistant Corporation
Counsel

COUNTY OF HAWAII
OFFICE OF THE CORPORATION COUNSEL

101 Aupuni Street, Suite 325 • Hilo, Hawaii 96720-4262 • (808) 961-8251 • Fax (808) 961-8622

October 11, 2005

MEMORANDUM

Corporation Counsel Memorandum 2005-07

TO: ALL COUNTY OFFICERS AND EMPLOYEES

FROM: LINCOLN S. T. ASHIDA *LSA*
Corporation Counsel

RE: **Victim Notification Form for State v. Nicoll**

Some of you have asked our office whether any action is necessary upon receipt of the attached Victim Notification form from the Adult Probation Division of the Third Circuit Court.

Caylan Nicoll was successfully prosecuted for the offense of Unauthorized Computer Access in the Second Degree, for his actions in accessing various email accounts of County officers and employees in 2002 and 2003. Contrary to what may have been inferred in media reports, the County of Hawai'i's computer system was *not* compromised. Nicoll was able to obtain passwords from the County's former internet service provider. It was the internet service provider's system which was compromised. The County has since contracted with another internet service provider.

Pursuant to State law, all victims of serious crime must be afforded the opportunity to provide input to the Court prior to a defendant being sentenced. This is why the probation department may have sent you the enclosed form. If you received this form, presumably your department or your individual email account may have been accessed by this individual.

The decision whether to provide any written input is up to you. You are not required to provide any input at all. The County Department of Data System reports there should not have been any monetary loss by the County or its officers or employees occasioned by this crime, so we assume there will be no claims of restitution from any of our officers or employees forthcoming. However, if we are in error and you do intend on submitting a claim with the Adult Probation Division, please promptly notify the Department of Data Systems and our office.

This communication should not be construed as either advocating or discouraging the providing of input to the Court. Again, this is a personal decision, and one separate from the official position of the County of Hawai'i, as will be represented by Department of Data Systems Director Clayton Yugawa.

You may also obtain additional public information regarding this particular case and prosecution by contacting Deputy Prosecuting Attorney Ricky Roy Damerville at 961-0466.

If you have any questions regarding this matter, I also invite you to contact me at 961-8304, extension 118, or via email at Lashida@co.hawaii.hi.us.

Encl.

S: Departments/CC/LSA Misc./Memo No. 2005-07 re unauthorized computer access 10-11-05/LSAmr



Zachary Higa
PROBATION ADMINISTRATOR

VICTIM'S NOTIFICATION

October 4, 2005

County of Hawaii
Mayor's Office
25 Aupuni Street
Hilo, HI 96720

RE: Caylan Nicoll (defendant)
Cr. No.: 05-1-077
Report No: H-51032
Offense: Unauthorized Computer Access,
Second Degree
Date Occurred: 04/10/02-02/28/03
Sentencing Date: November 10, 2005
Judge: Glenn Hara

As the defendant is to be sentenced, restitution may be applicable in your case although not guaranteed as the defendant may not have the capacity to pay. Should you have and want to claim restitution, please fill out the attached form and state items taken and not returned. Attach copies of receipts for repair or replacement of the item(s) to establish specific amount claims. You are not precluded from filing an independent civil lawsuit or other means of claim.

Please make a written statement regarding your feelings, injuries, and other concerns related to the offense. This information will be reviewed by the judge, defendant, and attorneys in the case.

Also the court will afford you fair opportunity to be heard at sentencing. Please contact the Victim/Witness Assistance or the Prosecutor's Office (Hilo 961-0466, Kona 322-2552) should you want to address the court.

For personal bodily/mental injury cases, you may want to make a claim to the Criminal Injuries Compensation Commission (CICC). Please call the Victim/Witness Assistance (Hilo 934-3306, Kona 322-2552) for assistance/information or complete the attached application (sent if your case appears applicable).

Your immediate reply will assist the criminal justice system. If you do not respond by 10/20/05 restitution may not be recommended due to lack of information. Please call Arlene Awa Masulit at 961-7617 with any questions.

Very truly yours,

for: Probation Officer **ARLENE AWA MASULIT**

Enclosures
xc: Victim/Witness Assistance

[Faint, illegible text at the bottom of the page]

RE: CAYLAN NICOLL
Cr. No.: 05-1-077
Victim: Mayor's Office (C of H)

RESTITUTION CLAIM

<u>ITEM</u>	<u>MODEL NO.</u>	<u>DATE OF PURCHASE</u> <u>HOW OLD IS ITEM</u>	<u>PURCHASE</u> <u>PRICE</u>	<u>REPLACEMENT/</u> <u>REPAIR COST</u>
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For additional space, please use another sheet. Also Note: For Victim's Statement, please use the other form provided.

INSURANCE COVERAGE? Company _____ Deductible \$ _____

Claims Adjuster _____ Phone No. _____

I acknowledge that the above information is accurate and true to the best of my knowledge.

SIGNATURE Date: _____

PLEASE RETURN THE RESTITUTION CLAIM AND VICTIM'S STATEMENT TO:
PROBATION OFFICER, ARLENE AWA MASULIT, 1045-A Kilauea Avenue, Hilo, HI 96720

RE: CAYLAN NICOLL
Cr. No.: 05-1-077
Victim: Mayor's Office (C of H)

Please provide us with your current mailing address, and phone number. This information is necessary so we may forward any restitution payments to you in a prompt manner if the court orders restitution. This is for information only and will not be given to the defendant or made available to the public.

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

PLEASE INDICATE IF YOU PLAN TO ADDRESS THE COURT AT SENTENCING:

- Yes, I plan to call the Victim's Witness Program (Hilo 934-3306, Kona 322-2552) so that I can address the court at sentencing. Further, I will check with the Victim's Witness Program for any changes in sentencing dates.
- No, I don't plan to address the court at sentencing.

RE: CAYLAN NICOLL
Cr. No.: 05-1-077
Victim: Mayor's Office (C of H)

VICTIM'S STATEMENT

Please make a statement regarding the impact the offense had on you or others around you (feelings, injuries, and other concerns). Your statement may also include comments with regards to the sentencing of the defendant. This information will be reviewed by the judge, defendant, and attorneys in this case. Please use additional paper for more space.

Signature _____ Date: _____