

DOUGLAS S. CHIN 6465
Attorney General of the State of Hawai`i

ADRIAN DHAKHWA 7572
Deputy Attorney General
Department of the Attorney General
State of Hawai`i
333 Queen Street, Suite 200
Honolulu, Hawai`i 96813
Phone: (808) 586-1160
Facsimile: (808) 586-1375
Email: criminal.justice@hawaii.gov

Attorneys for State of Hawai`i

Electronically Filed
SECOND CIRCUIT
2DCW-17-0001710
24-JUL-2017
02:55 PM

IN THE DISTRICT COURT OF THE SECOND CIRCUIT

WAILUKU DIVISION

STATE OF HAWAII

STATE OF HAWAII	)	CASE NO. _____
)	
v.	)	<u>COUNT 1:</u>
	)	LEASH LAW VIOLATION
MARK SIMONDS,	)	(§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
	)	AG NO. 16-16664
Defendant.)	
	)	<u>COUNT 2:</u>
	)	LEASH LAW VIOLATION
	)	(§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
	)	AG NO. 16-16664-1
)	
	)	<u>COUNT 3:</u>
	)	LEASH LAW VIOLATION
	)	(§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
	)	AG NO. 16-16664-2
)	
	)	<u>COUNT 4:</u>
	)	LEASH LAW VIOLATION
	)	(§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
	)	AG NO. 16-16664-3
)	
)	
)	

-) COUNT 5:
-) LEASH LAW VIOLATION
-) (§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
-) AG NO. 16-16664-4
-)
-) COUNT 6:
-) LEASH LAW VIOLATION
-) (§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
-) AG NO. 16-16664-5
-)
-) COUNT 7:
-) LEASH LAW VIOLATION
-) (§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
-) AG NO. 16-16664-6
-)
-) COUNT 8:
-) LEASH LAW VIOLATION
-) (§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
-) AG NO. 16-16664-7
-)
-) COUNT 9:
-) LEASH LAW VIOLATION
-) (§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
-) AG NO. 16-16664-8
-)
-) COUNT 10:
-) LEASH LAW VIOLATION
-) (§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
-) AG NO. 16-16664-9
-)
-) COUNT 11:
-) LEASH LAW VIOLATION
-) (§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
-) AG NO. 16-16664-10
-)
-) COUNT 12:
-) LEASH LAW VIOLATION
-) (§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
-) AG NO. 16-16664-11
-)
-) COUNT 13:
-) LEASH LAW VIOLATION
-) (§§ 6.04.040(A) & 6.04.110(A), M.C.C.)
-) AG NO. 16-16664-12
-)
-)

) COUNT 14:
) UNLICENSED DOG
) (§§ 6.04.020(A) & 6.04.110(A), M.C.C.)
) AG NO. 16-16664-13
)
) COMPLAINT
)

COMPLAINT

The STATE OF HAWAII, through the undersigned, its Deputy Attorney General, hereby accuses and charges the Defendant as follows:

COUNT 1: On or about August 22, 2016, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a black dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 2: On or about August 22, 2016, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a white dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 3: On or about January 26, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a black dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 4: On or about April 20, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a black dog, did intentionally, knowingly, or

recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 5: On or about April 20, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a white dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 6: On or about May 9, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a black dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 7: On or about May 9, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a white dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 8: On or about May 19, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a black dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 9: On or about May 19, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a white dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 10: On or about May 25, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a white dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 11: On or about May 26, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a white dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or

kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 12: On or about May 27, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a black dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition. Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 13: On or about May 27, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds, as the owner of a white dog, did intentionally, knowingly, or recklessly fail to keep said dog under restraint, thereby violating Section 6.04.040(A) of the Maui County Code.

“Under restraint” means kept on real property with the express consent of the property owner, in a manner which prevents the dog from exiting the property of its own volition.

Examples shall include, but not be limited to, fully enclosed property, kennels, and tethers; or kept secured by a leash or lead of not more than ten feet in length held by or tied to a responsible person.

“Owner” means every person owning, harboring, or keeping an animal.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

COUNT 14: On or about April 20, 2017 to and including May 27, 2017, in the Division of Wailuku, County of Maui, Defendant Mark Simonds did intentionally, knowingly, or recklessly own, keep, or harbor a dog, to wit, a white dog, over four months of age, within the County without said dog being licensed, in violation of 6.04.020(A) of the Maui County Code.

If convicted of this violation, Defendant will be subject to sentencing as a first offender under Section 6.04.110(A) of the Maui County Code.

I, Adrian Dhakhwa, declare under penalty of law that the foregoing is true and correct to the best of my knowledge and belief, and that there is probable cause to support this complaint.

DATED: Honolulu, Hawaii, July 24, 2017.

Douglas S. Chin
Attorney General

By: /s/ Adrian Dhakhwa
ADRIAN DHAKHWA
Deputy Attorney General
State of Hawai`i