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Attorneys for the State of Hawaii

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	)	CR. NO. _____
)	
vs.	)	<u>COUNT 1:</u>
	)	ATTEMPTED THEFT IN THE FIRST
MICHAEL M. POWERS,	)	DEGREE
	)	(§§ 705-500, 708-830(1) & 708-830.5(1)(a),
Defendant.	)	H.R.S.)
	)	(AG RPT. NO. 16-5058)
)	
	)	<u>COUNT 2:</u>
	)	FORGERY IN THE SECOND DEGREE
	)	(§ 708-852, H.R.S.)
	)	(AG RPT. NO. 16-5057)
)	
	)	<u>COUNT 3:</u>
	)	FORGERY IN THE SECOND DEGREE
	)	(§ 708-852, H.R.S.)
	)	(AG RPT. NO. 16-6686)
)	
	)	<u>COUNT 4:</u>
	)	FORGERY IN THE SECOND DEGREE
	)	(§ 708-852, H.R.S.)
	)	(AG RPT. NO. 16-5676)
)	
)	
)	
)	

-) COUNT 5:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5677)
-)
-) COUNT 6:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5678)
-)
-) COUNT 7:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5679)
-)
-) COUNT 8:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5680)
-)
-) COUNT 9:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5681)
-)
-) COUNT 10:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5682)
-)
-) COUNT 11:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5683)
-)
-) COUNT 12:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5967)
-)
-) COUNT 13:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-6190)
-)
-)

-) COUNT 14:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5684)
-)
-) COUNT 15:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5530)
-)
-) COUNT 16:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-6255)
-)
-) COUNT 17:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-6256)
-)
-) COUNT 18:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-6257)
-)
-) COUNT 19:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-6258)
-)
-) COUNT 20:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-6259)
-)
-) COUNT 21:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-6273)
-)
-) COUNT 22:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-6178)
-)
-)

-) COUNT 23:
-) FORGERY IN THE SECOND DEGREE
-) (§ 708-852, H.R.S.)
-) (AG RPT. NO. 16-5685)
-)
-) COUNT 24:
-) RESTRICTION ON POSSESSION, SALE,
-) GIFT, OR DELIVERY OF ELECTRIC GUNS
-) (§§ 134-16(a) & 134-17(c), H.R.S.)
-) (AG RPT. NO. 16-5634)
-)
-) FELONY INFORMATION AND NON-
-) FELONY COMPLAINT; EXHIBIT "A"
-)

FELONY INFORMATION AND NON-FELONY COMPLAINT

The Department of the Attorney General charges:

COUNT 1: On or about the 5th day of July, 2016, to and including the 18th day of November, 2016, as one scheme and continuing course of conduct, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS did intentionally engage in conduct which, under the circumstances as he believed them to be, constituted a substantial step in a course of conduct intended to culminate in his commission of the crime of Theft in the First Degree, by attempting to intentionally obtain or exert unauthorized control over the property of another, the value of which MICHAEL M. POWERS was aware or believed exceeded twenty thousand dollars (\$20,000.00), and which did exceeded twenty thousand dollars (\$20,000.00), with intent to deprive the other of the property, thereby committing the offense of Attempted Theft in the First Degree, in violation of Sections 705-500, 708-830(1) and 708-830.5(1)(a) of the Hawaii Revised Statutes.

COUNT 2: On or about the 26th day of August, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check

number 184 made out to Cycle City Ltd. for twenty-one thousand two hundred eighty-one dollars and eighty-two cents (\$21,281.82), which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 3: On or about the 5th day of July, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 1012 made out to Slumber World for one thousand nine hundred fifty-six dollars and two cents (\$1,956.02), dated July 5, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 4: On or about the 22nd day of August, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 178 made out to First Hawaiian Bank for five hundred dollars and no cents (\$500.00), noted to be for Kidney Cars, dated August 22, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the

offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 5: On or about the 22nd day of August, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 179 made out to Oceanic Cable for seven hundred one dollars and twenty-eight cents (\$701.28), noted to be for payment and pending order for service, dated August 22, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 6: On or about the 22nd day of August, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 181 made out to Farmers Insurance for eight hundred seventy-two dollars and seventy-four cents (\$872.74), noted to be for policy number 22102969, dated August 22, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 7: On or about the 22nd day of August, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 182 made out to First Hawaiian Bank for eight hundred seventy-two dollars and seventy-four cents (\$872.74), noted to be for Farmers Insurance, dated August 22, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 8: On or about the 25th day of August, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 183 made out to First Hawaiian Bank for seven hundred one dollars and twenty-eight cents (\$701.28), noted to be for Oceanic Cable, dated August 25, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 9: On or about the 27th day of August, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check

number 185 made out to First Hawaiian Bank for twenty one thousand two hundred eighty-one dollars and eighty-two cents (\$21,281.82), noted to be for Cycle City Ltd., dated August 27, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 10: On or about the 1st day of September, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 186 made out to St. Labre Indian School for twenty dollars and no cents (\$20.00), noted to be for a polar fleece blanket, dated September 1, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 11: On or about the 5th day of September, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 187 made out to Hale Ola Association for six hundred fifty-three dollars and seventy-four cents (\$653.74), noted to be to pay for application from Touchstone Properties, dated September 5, 2016, which is or purports to be, or which is calculated to become or to represent if

completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 12: On or about the 9th day of September, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 188 made out to the City and County of Honolulu for twenty-five dollars and no cents (\$25.00), noted to be for new license plates GARUDA, dated September 9, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 13: On or about the 24th day of September, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 193 made out to First Hawaiian Bank for five hundred thousand dollars and no cents (\$500,000.00), noted to be for the Federal Public Defender, dated September 24, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or

status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 14: On or about the 25th day of September, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 196 made out to Social Security Administration for one hundred eighty-seven thousand two hundred dollars and no cents (\$187,200.00), noted to be for Social Security benefits check, dated September 25, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 15: On or about the 28th day of September, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 190 made out to the City and County of Honolulu for one dollar and sixty cents (\$1.60), noted to be for motorcycle book, dated September 28, 2016 which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 16: On or about the 15th day of November, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 107 made out to Sweepstakes Clearinghouse for one hundred ninety-nine dollars and ninety-five cents (\$199.95), noted to be for HP desktop computer and free internet, dated November 15, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 17: On or about the 15th day of November, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 109 made out to Sweepstakes Clearinghouse for one hundred eighty-nine dollars and ninety-five cents (\$189.95), noted to be for famous brand laptop computer and free internet, dated November 15, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 18: On or about the 15th day of November, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check

number 111 made out to Sweepstakes Clearinghouse for one hundred twenty-nine dollars and ninety-five cents (\$129.95), noted to be for a 9” Android OS Digital Tablet, dated November 15, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 19: On or about the 15th day of November, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 113 made out to Sweepstakes Clearinghouse for ninety-nine dollars and ninety-five cents (\$99.95), noted to be for a DVC HD Digital Camcorder package, dated November 15, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 20: On or about the 15th day of November, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 117 made out to Sweepstakes Clearinghouse for eighty-nine dollars and ninety-five cents (\$89.95), noted to be for Freedom 32 piece cookware with Cuisinart, dated November 15, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed,

will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 21: On or about the 15th day of November, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 115 made out to Sweepstakes Clearinghouse for eighty-nine dollars and ninety-five cents (\$89.95), noted to be for an Ultra Lite 6-pc luggage collection, dated November 15, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 22: On or about the 18th day of November, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 119 made out to the City and County of Honolulu for forty-six dollars and no cents (\$46.00), dated November 18, 2016, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 23: On or about the 17th day of August, 2016, in the City and County of Honolulu, State of Hawaii, MICHAEL M. POWERS, did, with intent to defraud, falsely make, complete, endorse, or alter a written instrument, or utter a forged instrument, to wit, check number 200 made out to Hawaiian First Bank for twenty-five dollars and no cents (\$25.00), noted to be for Donation of Information, which is or purports to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, thereby committing the offense of Forgery in the Second Degree, in violation of Section 708-852 of the Hawaii Revised Statutes.

COUNT 24: On or about the 18th day of October, 2016, in the County of Honolulu, State of Hawaii, MICHAEL M. POWERS did possess any electric gun, thereby committing the offense of Restriction on Possession, Sale, Gift, or Delivery of Electric Guns, in violation of Sections 134-16 (a) and 134-17 (c) of the Hawaii Revised Statutes.

"Electric gun" means any portable device that is electrically operated to project a missile or electromotive force. It does not include any electric livestock prod used in animal husbandry and any automatic external defibrillator used in emergency medical situations.

DATED: Honolulu, Hawaii, February 24, 2017.

DOUGLAS S. CHIN
Attorney General

By: /s/ Albert Cook
ALBERT COOK
Deputy Attorney General
State of Hawaii