

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 07 2006

at 10 o'clock and 5 min.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | CR. NO. 05-00161-HG |
| |) | |
| Plaintiff, |) | APPLICATION REGARDING |
| |) | TEMPORARY TRANSFER OF |
| v. |) | CUSTODY TO THE STATE OF HAWAII |
| |) | REGARDING WRIT OF HABEAS |
| JAY PADAYAO, |) | CORPUS AD PROSEQUENDUM; |
| |) | EXHIBITS "A AND B" |
| Defendant. |) | |
| |) | |

APPLICATION REGARDING TEMPORARY TRANSFER
OF CUSTODY TO THE STATE OF HAWAII REGARDING
WRIT OF HABEAS CORPUS AD PROSEQUENDUM

Scott Bell, Deputy Prosecuting Attorney for the City and County of Honolulu, State of Hawaii, hereby moves the Honorable Court for an Order authorizing the temporary transfer of the physical custody of JAY PADAYAO from the United States Marshal Service, District of Hawaii, to State of Hawaii Officials at any time or times deemed necessary until the conclusion of State of Hawaii v. JAY PADAYAO, Criminal Nos. 05-1-0911 and 06-1-1384.

Defendant JAY PADAYAO is now detained in the custody of the United States Marshal Service, District of Hawaii, pending sentencing.

In Criminal No. 05-1-0911, jury trial for Defendant JAY PADAYAO is scheduled for the week of August 21, 2006, before the Presiding Judge of the Circuit Court of the First Circuit, State of Hawaii.

In Criminal No. 06-1-1384, arraignment and plea for Defendant JAY PADAYAO is scheduled for August 17, 2006; 8:30 a.m.; before the Honorable Derrick H. M. Chan, Judge of the Circuit Court of the First Circuit.

The State of Hawaii has received approval for a temporary transfer of custody from the Assistant United States Attorney assigned to the above matter. (See, Exhibit "A").


This Application requests that the Court grant a temporary transfer of the physical custody of JAY PADAYAO from the United States Marshal Service, District of Hawaii, to State of Hawaii Officials, based on the State of Hawaii's Writ of Habeas Corpus ad Prosequendum filed on August 4, 2006, in the Circuit Court of the First Circuit, State of Hawaii (see, Exhibit "B").

Upon conclusion of State of Hawaii v. JAY PADAYAO, Criminal Nos. 05-1-0911 and 06-1-1384, Defendant JAY PADAYAO will be returned to the United States Marshal Service, District of Hawaii.

Dated at Honolulu, Hawaii: August 7, 2006.

STATE OF HAWAII

By PETER B. CARLISLE
Prosecuting Attorney

By 
SCOTT BELL
Deputy Prosecuting Attorney
City and County of Honolulu