Electronically Filed THIRD CIRCUIT 3DCW-12-0000722 13-NOV-2012

IN THE DISTRICT COURT OF THE THIRD CIRCUIT OS:00 PM STATE OF HAWAII KONA DIVISION

STATE OF HAWAI'I))	CASE NO. 3DCW-12-0000722 REPORT NO(S)/CHARGES(S)
	vs.)))	C12030504, Harassment, 711-1106
Francesco Sforca			
)	
)	
Defendant.))	

APPLICATION AND AFFIDAVIT IN SUPPORT OF PROBABLE CAUSE DETERMINATION FOR FURTHER DETENTION; ORDER ON DETERMINATION OF PROBABLE CAUSE FOR FURTHER DETENTION

IN THE DISTRICT COURT OF THE THIRD CIRCUIT SOUTH AND NORTH KONA DIVISION STATE OF HAWAI'I

☑ STATE OF HAWAI'I ☐ IN RE	MPR NO. C12030504
VS	APPLICATION AND AFFIDAVIT IN SUPPORT OF
DEFENDANT NAME: Francesco SFORCA	PROBABLE CAUSE DETERMINATION FOR
SSN: XXX-XX- (LAST 4 DIGITS ONLY)	FURTHER DETENTION; ORDER ON DETERMINATION
YEAR OF BIRTH: 1963	OF PROBABLE CAUSE FOR FURTHER DETENTION;
ADDRESS: UNKNOWN	ATTACHMENTS: A
ADDRESS:	

APPLICATION AND AFFIDAVIT IN SUPPORT OF PROBABLE CAUSE DETERMINATION FOR FURTHER DETENTION

FURTHER DETENTION		
ST	EVEN BURKE , being first duly sworn on oath, deposes and says that:	
1.	I am an officer of the Hawai`i Police Department;	
2.	On the 13 day of NOVEMBE, 20 12, Francesco SFORCA , Social Security No. XXX-XX- , whose year of birth is 1963 , was arrested;	
3.	I have probable cause to believe that on or about the <u>13</u> day of <u>NOVEMEN</u> , 20 <u>12</u> , in the district of <u>KONA</u> , County and State of Hawai'i, the above-named person did commit the offense(s) of (list offenses and police report numbers):	
	711-1106 HRS HARASSMENT C12030504	
4.	I respectfully request a probable cause determination of the above-named person;	
5.	The facts and circumstances showing the probable cause for the above-named person's arrest and commission of the above offenses are found in Attachments \underline{A} , which are incorporated herein by reference, as if fully set forth;	
	HEREFORE the undersigned officer requests that this Honorable Court find probable cause and order further tention of the above-named person.	
	Dated: 11-13-2012 , Hawai`i, KONA , 2012.	
	STEVEN BURKEY 5593/214 Signature of Officer Employee No.	
Sul day	bscribed and sworn to before me this 13th Signature of Officer Employee No.	
Z	Devenie Wange lists	
No.	(Prifit & Sign) stary Public, Third Circuit	
~	ete of Hawai'i Commission Expires: Oct. 20,20/Z	

(SEE ATTACHED NOTARY CERTIFICATION)

HPD/PAT-003A REV 06-20-12 RECORDS

Attachment "A"

11-13-2012 OFCR. S. BURKEY

C12030504 HARASSMENT KN

PROBABLE CAUSE

On 11-13-2012 as approximately 0045 hours, I received a report of a domestic dispute at
Kona Islander Inn, room.#235. Upon arrival I was contacted by Hotel Security who stated
a male and female were arguing in room #235. The female guest had called the front desk
asking for police. I contacted, F-53, who explained Francesco
SFORCA, M-48, was visiting from Italy and staying in her room. SFORCA became
verbally abusive towards her, and an argument ensued. During the course of the argument
SFORCA pushed out of the room into the hallway with enough force to
cause her to fall to the ground, striking the wall. stated it did not cause pain,
but she was alarmed and harassed by SFORCA verbal abuse and physical contact.
explained she was going to receive "bruising" and showed her left shin.
explained "it is not right for a man to push around a woman". SFORCA
made spontaneous statement that he was not going to leave the room because he paid for
the room. SFORCA stated he accidentally struck with his bag. SFORCA was
advised of his Miranda Warnings which he stated he did not understand his rights.
SFORCA is a Italian National and spoke fluent English during preliminary investigation
and booking process.

IN THE DISTRICT COURT OF THE THIRD CIRCUIT

SOUTH AND NORTH KONA DIVISION

STATE	OF H	IAW	AJ`I
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VS	APPLICATION AND AFFIDAVIT IN SUPPORT OF
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SSN: XXX-XX- (LAST 4 DIGITS ONLY)	FURTHER DETENTION; ORDER ON DETERMINATION
YEAR OF BIRTH: 1963	OF PROBABLE CAUSE FOR FURTHER DETENTION;
ADDRESS: UNKNOWN	ATTACHMENTS: A
ADDRESS:	
7.527.250.	

ORDER C	N DETERMINATION OF PI	ROBABLE CAUSE FOR FURTHER DETENTION
	riewed the Application and Affic ned, therein, finds and orders a	davit with Attachment(s), and based only on the facts and as follows:
Xpr.	that probable cause exists a	and further detention is allowed;
	that probable cause does no custody.	ot exist and the above-named person shall be released from
Date:	NOV 1 3 2012	
Time: <u>// - </u>	<u>43</u> <u>А</u> . м.	Dai 2h
		Judge of the above-entitled Court

NOTARY CERTIFICATION TO APPLICATION AND AFFIDAVIT IN SUPPORT OF PROBABLE CAUSE DETERMINATION FOR FURTHER DETERMINA

NOTARY	CERTIFICATION	
Doc Date: November 13, 2012	No. of Pages: Including Notary 0	Certification
Notary Name: Jevenie Wangelisk	Third Judicial Circuit	
Doc Description: STEVEN BURKEY Probable Cause Determination for Further Detention Detention; and Attachment(s) A of State vs.		
Cher houlest	1/-13-2012	<u> </u>
Notary Signature	Date	
i /		