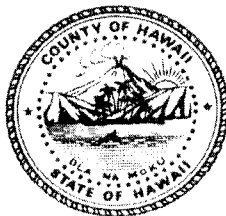


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OCT 26 2015

Leonard Horowitz
13-3775 Pahoā Kalapana Road
Pahoā, HI 96778

Re: Police Report No. C13015256/PN (Theft in the First Degree)

In order to charge a person with a crime, the State must prove all elements of a criminal case beyond a reasonable doubt. I have reviewed the report carefully for sufficiency of the evidence. In this matter, and based upon the Hawai'i County Police Department's investigation of your case, it is my opinion that the State would be unable to prosecute this case successfully because the facts are insufficient to establish by proof beyond a reasonable doubt that the named suspect committed the offense of Theft in the First Degree, which, according to the police, occurred on January 15, 2004.

Moreover, it appears that this is more a civil matter than a criminal one, and it does not appear that your remedy lies in the criminal courts.

Finally, according to the police investigation, the offense occurred on January 15, 2004. If this is correct, the statute of limitations for prosecuting this matter, even if there were sufficient evidence, has long since lapsed.

Although we will be closing the case without further action, official documentation of this incident is maintained with the police report at the Hawai'i Police Department. If you have any questions, you may contact me or Diana Watanabe of our Victim's Assistance Unit within 30 days of receipt of this letter, as our file will be purged shortly thereafter.

Very truly yours,

Anson K. Lee
Deputy Prosecuting Attorney

cc: HPD Records Division
Diana Watanabe, VAU – Hilo