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**NEWS RELEASE**

For Immediate Release

Date: December 22, 2003

Re: **James Kaholokula**

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MODESTO, CALIFORNIA – Stanislaus County District Attorney James Brazelton announced today that James Kaholokula, 41, of Modesto, was sentenced to 25 years to life in state prison under California’s “Three Strikes” law. Kaholokula had been previously convicted October 27, 2003 by a Stanislaus County jury of driving under the influence of alcohol. His criminal history of three prior drunk driving convictions and fifteen serious or violent felony convictions then made him eligible for the Three Strikes sentence. Deputy District Attorney John R. Mayne prosecuted the case on behalf of the People.

Shortly after midnight last February 16, 2003, Kaholokula, was seen driving into Children’s Park in Modesto. When contacted by police, he gave officers a false name, was unsteady on his feet, refused field sobriety tests, and told officers that he had not had anything to drink. A subsequent test showed Kaholokula’s blood alcohol level to be 0.18 percent, more than twice the legal limit.

In a court trial immediately following his conviction for drunk driving, the prosecution proved that the defendant had suffered three prior convictions for the exact same offense between 1991 to 2001. A fourth conviction within seven years elevates the normally misdemeanor crime to a felony.

Within the same court trial the prosecution also proved that Kaholokula had previously suffered a total of fifteen serious or violent felony convictions including rape, kidnaping, eleven armed robberies and two attempted armed robberies. Under California's Three Strikes law, anyone who has suffered two or more prior serious or violent felony convictions must be sentenced to 25 years to life in state prison upon receiving any new felony conviction. Despite the language of the law, a life sentence is not automatic. Prior convictions may be stricken by the judge, or by the prosecutor with the court's permission, if it is in the interests of justice.

At Monday's sentencing hearing, Deputy Public Defender Geoffrey Canty appealed to Superior Court Judge Loretta Murphy Begen to strike 14 of the 15 prior strike convictions. Prosecutor John Mayne opposed the motion, citing the defendant's long and violent criminal history.

The court held a brief hearing in which the defendant, his sister, and his mother asked for a more lenient sentence. Mr. Kaholokula also acknowledged to the court that he had been advised that he faced a possible 25 to life sentence for his next drunk driving offense when he pled to his third drunk driving last December, 2001.

In denying the motion, Judge Begen stated that she was not without sympathy for Mr. Kaholokula, but said that the spirit of the Three Strikes law plainly required that a 25 to life sentence be imposed. Kaholokula was turned over to the custody of the Sheriff pending delivery to the California Department of Corrections to begin serving his prison term.

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