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**Electronically Filed
FIFTH CIRCUIT
5CPC-22-000097
11-MAY-2022
02:40 PM
Dkt. 2 IND**

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

STATE OF HAWAII

v.

MIKALYNN HIRANAKA,

Defendant.

CR. NO.

5CPC. 22. 0000097

COUNT 1:

COMPUTER FRAUD IN THE FIRST
DEGREE

[§708-891(1), H.R.S.]

(AG Rpt. No. 19-3817-1)

COUNT 2:

THEFT IN THE FIRST DEGREE

[§§708-830(1) & 708-830.5(1)(a), H.R.S.]

(AG Rpt. No. 19-3817-2)

INDICTMENT

INDICTMENT

The Grand Jury charges:

COUNT 1: On or about March 1, 2017, to and including October 16, 2019, in the County of Kauai, State of Hawai'i, MIKALYNN HIRANAKA, as one scheme and/or continuing course of conduct, did knowingly access a computer, computer system, or computer network with the intent to commit the offense of Theft in the First Degree, thereby committing the

offense of Computer Fraud in the First Degree, in violation of Section 708-891 (1) of the Hawai'i Revised Statutes.

A person commits the offense of Theft in the First Degree if he/she intentionally obtains or exerts unauthorized control over the property of another, the value of which exceeds Twenty Thousand Dollars (\$20,000.00), with the intent to deprive the other of the property, and the person was aware or believed that the value of the property did in fact exceed Twenty Thousand Dollars (\$20,000.00). Sections 708-830(1) & 708-830.5(1)(a) Hawai'i Revised Statutes.

Count 1 relates to a single scheme and continuing course of conduct, committed during the time period referenced above, in which MIKALYNN HIRANAKA accessed and used a computer, computer system, or computer network with the intent to commit theft of more than Twenty Thousand Dollars (\$20,000.00) worth of property from the Hawai'i Criminal Justice Data Center, State of Hawai'i Department of the Attorney General, through the use of a computer, by creating and submitting Counter Service Reports to the Kauai Police Department.

COUNT 2: On or about March 1, 2017, to and including October 16, 2019, in the County of Kauai, State of Hawai'i, MIKALYNN HIRANAKA, did intentionally obtain or exert unauthorized control over the property of the Hawai'i Criminal Justice Data Center, State of Hawai'i Department of the Attorney General, the value of which exceeds Twenty Thousand Dollars (\$20,000.00), with intent to deprive the Hawai'i Criminal Justice Data Center, State of Hawai'i Department of the Attorney General of the property and MIKALYNN HIRANAKA was aware or believed that the value of the property did in fact exceed Twenty Thousand Dollars (\$20,000.00), thereby committing the offense of Theft in the First Degree, in violation of Sections 708-830.5(1)(a) and 708-830(1) of the Hawai'i Revised Statutes.

Count 2 relates to a single scheme and continuing course of conduct, committed during the time period referenced above, in which MIKALYNN HIRANAKA intentionally obtained or exerted unauthorized control over the property of the Hawai`i Criminal Justice Data Center, State of Hawai`i Department of the Attorney General, in the form of fees collected on behalf of the Hawai`i Criminal Justice Data Center, State of Hawai`i Department of the Attorney General, in excess of Twenty Thousand Dollars (\$20,000.00).

As used in this Indictment:

“Access” means to gain entry to, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.

“Computer” means any electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes all computer equipment connected or related to such a device in a computer system or computer network, but shall not include an automated typewriter or typesetter, a portable hand-held calculator, or other similar device.

“Computer network” means two or more computers or computer systems, interconnected by communication lines, including microwave, electronic, or any other form of communication.

“Computer system” means a set of interconnected computer equipment intended to operate as a cohesive system.

"Control over the property" means the exercise of dominion over the property and includes, but is not limited to, taking, carrying away, or possessing the property, or selling, conveying, or transferring title to or an interest in the property.

"Deprive" means:

(1) To withhold property or cause it to be withheld from a person permanently or for so extended a period or under such circumstance that a significant portion of its economic value, or of the use and benefit thereof, is lost to the person;

(2) To dispose of the property so as to make it unlikely that the owner will recover it;

(3) To retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return;

(4) To sell, give, pledge, or otherwise transfer any interest in the property; or

(5) To subject the property to the claim of a person other than the owner.

"Obtain" means, when used in relation to property, to bring about a transfer of possession or other interest, whether to the obtainer or to another.

"Property" means any money, personal property, real property, thing in action, evidence of debt or contract, or article of value of any kind.

"Property of another" means property which any person, other than the defendant, has possession of or any other interest in, even though that possession or interest is unlawful.

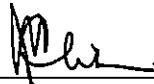
"Unauthorized control over property" means control over property of another which is not authorized by the owner.

"Value" means the market value of the property or services at the time and place of the offense, or the replacement cost if the market value of the property or services cannot be determined. When property or services have value but that value cannot be ascertained, the value shall be deemed to be an amount not exceeding \$100.

A True Bill found this day: May 11, 2022



Lauren M. Nakamura



Foreperson of the Grand Jury

Deputy Attorney General
State of Hawai'i