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Sent via email only to get.committe@mauicounty.us

Michael Molina, Chair
Governance, Ethics, and Transparency Committee
County of Maui, State of Hawai'i

Re: Nomination of Donald Setias Guzman, Esq. for the Position of Maui County Prosecutor

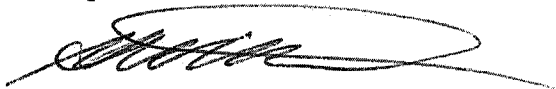
Dear Chair Molina:

I started working on Maui as the first Law Clerk for the Honorable Shackley F. Raffetto (Ret.) between 1994-1995. I worked for the Law Firm of Lowenthal & August, as an Associate Attorney between 1995-2000, and then formed by own solo practice in the area of criminal defense in 2000.

I first met Don when he worked as a Deputy Prosecuting Attorney for the County of Maui; he was opposing counsel, at that time. Don understood well his role as a Deputy Prosecuting Attorney and was industrious and knowledgeable in the area of criminal case law and procedure and had the ability to write well. I remember a case, dating back to 2002, where we were both facing a *per diem* Judge and based upon the sworn statement contained in the police report, at the hearing, I was able get the police officer to repeat his sworn statement on the stand, which resulted in the oral granting of the motion to suppress evidence, with a request by the *per diem* Judge for a proposed written order to be submitted by both Don and myself. Don did an excellent job of preparing his proposed Findings of Fact, Conclusions of Law and Order. The Judge adopted every word in every paragraph submitted by Don except one, so while the motion to suppress was granted, it was a hollow victory, that resulted in a conviction for the major offense charged.

Don has always impressed me with his knowledge of criminal case law and procedure. Don is friendly and approachable. I believe the Office of the Prosecuting Attorney is, by its very nature, a political job and Don is extremely well qualified to perform the job as the Prosecutor for the County of Maui, via both by his knowledge of criminal law from his prior experience working at the Prosecutor's Office and because of his years of service on the Maui County Council, as a politician. We have not had a nominee for Prosecutor that possessed both the experience as a Politian and having worked at the Office of the Prosecuting Attorney, as a Deputy Prosecuting Attorney. Don can relate to the needs of new deputy attorney hires and of those deserving of promotions, as well as the politics of the complete office, including the important role the support staff plays in the organization of Office of the Prosecuting Attorney. The County of Maui is very fortunate to have the opportunity to confirm the nomination of Donald Setias Guzman, Esq.

Best Regards,



Graham Mottola