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# Ex-policeman sentenced to 5 years

June 3, 2005  
By EDWIN TANJI, City Editor

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WAILUKU – A Maui police officer went “way out of the limits of what society can accept,” 2nd Circuit Judge Joseph Cardoza said Thursday in ordering former Lahaina patrol officer Aaron Won to five years in prison.

Won, 25, offered no statements to the court during a sentencing hearing on his convictions for attempted second-degree extortion and second-degree unlawful imprisonment. He was found guilty in a jury trial in December of attempting to have a woman he had stopped for a traffic violation engage in sexual acts with him.

Cardoza rejected a defense attorney’s argument that Won should be treated no differently from any other person convicted for the first time of a Class C felony – the extortion count – and that there would be no benefit in placing Won in prison.

The judge responded that Won’s conduct in the incident, in which he solicited sex from a woman he had taken to a police substation, was “extreme.” Although Won had not been in trouble before and had served the community effectively as a police officer, Cardoza said, those considerations do not apply given Won’s use of his authority as a police officer to violate the law.

“In the court’s mind, Mr. Won, when you used that extreme power that you had to attempt to force someone to engage in that conduct . . . you were way out of the limits of what society can accept,” Cardoza said.

Won originally was charged with attempted first-degree sexual assault, attempted second-degree sexual assault, kidnapping and second-degree extortion. He was convicted by the jury of attempted second-degree sexual assault as well as extortion and unlawful imprisonment, but the sex assault charges later were dismissed as a result of motions filed by defense attorney Philip Lowenthal.

The charges stem from an incident on July 28 last year when Won stopped a woman on Lower Honoapiilani Road for a traffic violation. The 27-year-old Honokowai woman did not speak English, did not have a driver’s license and did not have insurance for the vehicle she was driving.

The woman later told police that Won drove her to the Napili police substation where he held her in a room alone and attempted to have her remove her blouse, have sexual intercourse with him and perform oral sex, indicating he would arrest her if she did not comply.

When she refused, he arrested her for driving without a license, for



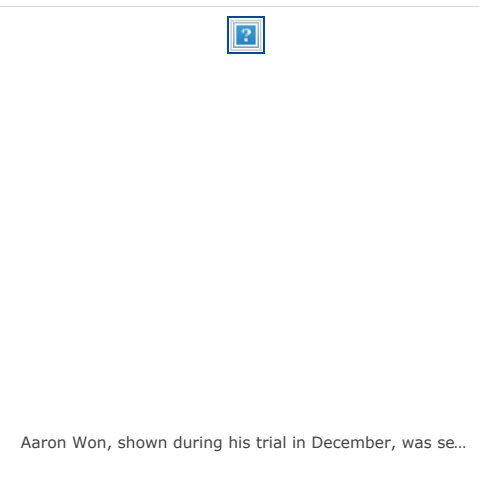
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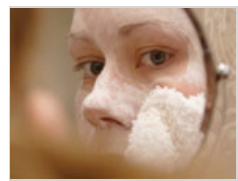
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having no insurance and for having an expired safety sticker.

During his trial, Won admitted to taking the woman to the substation but denied that he attempted to solicit her for sex.

He said he wanted to interview her away from the noise of the traffic on the road to try to help her because she did not speak English, and subsequently lied about his actions because he knew he had violated Maui Police Department general orders.

Lowenthal argued Thursday that Won should be sentenced solely on the charges for which he was convicted - extortion and unlawful kidnapping - without considering the charges that had been dismissed. He objected to a pre-sentence report that discussed the sex assault charges in its recommendations.

"I must say I was surprised at the pre-sentence report. It should be a recommendation based on what he has been convicted of, not what he was charged with," Lowenthal said.

The attorney argued that the sentence for Won needs to consider the positive contributions Won has made in his life, weighed against one incident in which the victim suffered no physical injury.

"He has no record. He has a history of helping in the community. He was working in the community as a law-enforcement officer. He has been in the position of helping the community."

Since Won was dismissed from the Maui Police Department, he also could not be in a position of abusing his authority again, Lowenthal said. But as a former police officer, he will face extreme hardships if he is sentenced to prison.

"Prison is for people who are incorrigible. Society has other alternatives," he said.

Maui Prosecutor Davelynn Tengan said there is a greater hardship imposed on the victim, a woman who had come to Maui from a country where police are known to be corrupt and who had believed she could trust the police in Hawaii.

"Look at the hardship he has imposed on the victim, the impact of what this has caused to her," Tengan said.

Even if Won is no longer a police officer, Tengan added, his attitude and lack of remorse suggest that he could still "place himself above the law in whatever employment he finds."

His actions also have had an effect on all of the officers in the Maui Police Department, whose reputations are stained by an officer who commits a crime.

"All of the men and women who go out every day to do their job . . . they are hurt by this," she said.

"People have to think that when an officer tells them to stop, it is a good thing to stop. They don't need to be afraid of what's going to happen when the officer approaches them."

As a police officer, she said, Won "should be held to a higher standard," of which he fell far short.

"He had used the power of his badge and his uniform to attempt to force a woman to have sex," she said. That warrants a more severe punishment, she said.

But after the sentencing, Tengan said her office felt no satisfaction that Cardoza agreed with her argument.

"It's not a happy day when a police officer gets this result," she said. "We work with police officers. We work with police officers all the time."

She said she is concerned that the public image of the Maui Police




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she said she is concerned that the public image of the Maui Police Department is tarnished by Won's actions and his conviction. The actions of one officer should not reflect on all of the other officers who do not abuse the authority given them, she said. For his actions, and the harm they have caused to the victim and to the department, she said, Won deserves the prison term.

"We think it was appropriate," she said.

 Edwin Tanji can be reached at [editor@mauinews.com](mailto:editor@mauinews.com).

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