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News Release

For Immediate Release: August 16, 2010

The Kaua'i Office of the Prosecuting Attorney ("OPA") issues the following News Release in response to an August 4, 2010 Garden Island Newspaper ("GI") article entitled '*Battle Brewing*' ("the article"). The OPA previously declined comment on the case, as it was legally bound by ethical obligations. Those obligations have since been removed, and the OPA is now ethically able to comment.

The GI's claim that Prosecuting Attorney Shaylene Iseri-Carvalho announced that she was seeking enhanced sentencing for Dennis Rego Jr. is patently false.

Iseri-Carvalho was never an attorney assigned to the case, never appeared in court on the case, and never spoke on behalf of the OPA in the case. Property crime specialist, Deputy Prosecuting Attorney ("DPA") Lauren McDowell ("McDowell") prosecuted the Rego case from its inception. Neither Iseri-Carvalho or Mc Dowell ever stated, either verbally or in writing, that the OPA would seek enhanced sentencing against Rego. To do so would not only be inappropriate given Rego's prior criminal history, it would be illegal under Hawaii law.

Neither Rego or his attorney Mark Zenger asserted any conflict until the court refused to grant any further continuances of the trial date.

From November 18, 2009 to June 16, 2010, there were numerous hearings and conferences and at no time did Rego or his attorney Mark Zenger ("Zenger") raise an issue of conflict against Iseri-Carvalho. Jury trials were continued several different times at Zenger's request. At a May 10th jury trial call, Judge Randall Valenciano finally informed Zenger that the court would not allow him any further continuances, and that this case would be set as the #1 priority trial in July. At that point, Zenger

responded to the court's ultimatum by claiming a conflict against Iseri-Carvalho, and moving to disqualify the OPA. The motion to disqualify – in effect – awarded Rego yet another trial continuance.

The OPA contacted the Attorney General's Office, who opined that there was no conflict.

In an abundance of caution, the OPA contacted the Attorney General's Office ("AG") to obtain an opinion on whether Rego's prior personal relationship with Iseri-Carvalho constituted a conflict of interest. The AG opined that it did not. Had the OPA submitted to the conflict allegation, and the AG refused to accept the case, Rego would get off scot-free because only the OPA or AG can prosecute this theft case. For the OPA to allow this to happen would be a miscarriage of justice for the victim.

Zenger contacted the victim numerous times to pressure him into dropping the theft charge against Rego.

According to the victim: Zenger told the victim that Rego's family owns City Liquor Store on Rice Street, is very embarrassed by the incident, and wants everything to be handled quietly without going to court. Zenger also said that Rego would never be convicted based on his connections, having dated Iseri-Carvalho, and having a sister who works for a judge. Zenger said that Rego would return the stolen money and property if the victim promised not to participate in prosecuting Rego.

Iseri-Carvalho met with the GI.

On August 11, 2010, Iseri-Carvalho and OPA staff met with GI reporter, Paul Curtis, and GI editor, Nathan Eagle. The GI admitted that it failed to investigate the personal allegations against Iseri-Carvalho. The GI deliberately misled the public by inventing a scandalous story alleging abuse of the Prosecuting Attorney's position without a shred of legal or factual basis. The GI attacked Iseri-Carvalho's professional and personal reputation without due regard for the truth. Had the Garden Island acted professionally, it would have waited to report on testimony given under oath at a hearing that had already been set for September 14th. Instead, the GI chose to publish its uninformed, unsubstantiated allegations, which interfered in the judicial process and compelled the OPA to transfer this case to the AG.