



[Advertisement - Click to support our sponsors.](#)

---



---

Tuesday, August 15, 2000

# Victims' family's wishes played role in pardon

**Cayetano granted the  
pardon to an ex-attorney  
involved in a fatal crash**

---

By Crystal Kua  
Star-Bulletin

The wishes of a victim's family not to see Thomas M. Foley go to prison for a 1995 fatal drunken-driving accident played an important role in the pardon of the Honolulu attorney by the governor, his lawyer said.

"There were some special circumstances," said Dan Foley, who argued for the pardon. "The victim's family opposed prison time."

Gov. Ben Cayetano granted the pardon July 28, saying that Thomas Foley was a model inmate and was an exemplary participant in the work-furlough program, said Kim Murakawa, the governor's spokeswoman.

Foley, who put in the request in February, received word of the pardon last week, his lawyer said.

"I know that the governor reviewed an extensive file ... forwarded to him by the Department of Public Safety," Murakawa said.

Cayetano granted the pardon before going on vacation. He is attending the Democratic National Convention in Los Angeles.

"He has accepted full responsibility for the crime and expressed remorse, and he has done all he can do to help the victim's family," Cayetano said from L.A.

"This guy doesn't belong in jail," Cayetano said. "I feel this is the best pardon I have made, I feel good about it."

Foley pleaded no contest in 1996 to first-degree negligent homicide and negligent injury.

The charges stemmed from a Jan. 4, 1995, accident that killed Ho Pin Tsai, 33, and injured his wife, Thianh Luu. Foley's BMW slammed into the couple's Buick at King Street and University Avenue at midnight.

Police said Foley's blood-alcohol level was three times the legal limit. He also had a 1986 drunken-driving conviction and a 1990 arrest for drunken driving.

In 1997, a Circuit Court judge sentenced Foley to 10 years in prison, despite a letter from the victim's family asking that he be given probation. The family said that Foley had taken responsibility for Ho Pin Tsai's death and that sending him to jail wouldn't bring Tsai back.

His attorney at the time said Thomas Foley was a changed man who had stopped drinking, contributed financially to the victim's family and contributed to community causes.

The Hawaii Paroling Authority initially set his minimum prison term at six years.

Dan Foley, who is not related to Thomas Foley, recently was confirmed as a state appeals judge. He represented Thomas Foley prior to his confirmation.

The attorney said that while his client was in prison, he completed all required programs, including alcohol rehabilitation.

After serving two years, Thomas Foley asked for a reduction in his minimum sentence by the paroling authority. The victim's family supported the request and the Department of Public Safety also recommended early release, Dan Foley said.

The Hawaii Paroling Authority reduced the minimum term to four years from six.

Last year, Foley was placed on work furlough. This spring, he was granted extended furlough, which meant he no longer was housed in prison but remained under the jurisdiction of the Department of Public Safety.

The state Office of Disciplinary Counsel suspended Thomas Foley from practicing law for five years, but he now he would be able to seek early reinstatement, Dan Foley said.

[E-mail to City Desk](#)

---

**Text Site Directory:**

[\[News\]](#) [\[Business\]](#) [\[Features\]](#) [\[Sports\]](#) [\[Editorial\]](#) [\[Do It Electric!\]](#)  
[\[Classified Ads\]](#) [\[Search\]](#) [\[Subscribe\]](#) [\[Info\]](#) [\[Letter to Editor\]](#)  
[\[Feedback\]](#)

---

© 2000 Honolulu Star-Bulletin  
<http://archives.starbulletin.com>