

Monitoring system. (Dkt. 8) Moreover, he is prohibited from entering any airport, boat harbors, or places of egress on O‘ahu. Id. The GPS Monitoring system requires Mr. Kao to wear an ankle bracelet similar to the one depicted below:



Instead, he is requesting use of the SmartLINK application. SmartLINK is a smart phone application that is downloaded to the participant's mobile device which has biometric facial check-in and location monitoring schedule submissions capabilities.

Mr. Kao has been supervised by United States Probation Office since October 7, 2020. (Dkt. 11). In the almost three years of supervision, there have been no concerns regarding Mr. Kao's flight risk. He has a stable, full-time job at Cheesecake Factory, is involved in his family's life, meets regularly with his attorney, and has appeared at all court hearings. The GPS monitoring is more restrictive than necessary given the low risk of flight Mr. Kao presents.

Mr. Kao is requesting this modest change to his pretrial conditions for two primary reasons. First, the GPS device is bulky and painful to wear. He

periodically switches the leg it is attached to because of the discomfort. He wears two socks under it, even to sleep to provide some cushion between the device and his leg. This is especially burdensome because Mr. Kao works as a cook at an incredibly busy restaurant and is on his feet up to ten hours a day. Also significantly, swimming and the beach were an important part of Mr. Kao's life prior to his arrest in this case. He is not able to get into the water, whether it be a pool or the ocean because of the ankle monitor. Spending time at the beach and swimming with his family is a productive activity he would like to be able to partake in and would provide a positive outlet for his own stressors.

Mr. Kao understands if this modification is granted, he will still be required to abide by all of his restrictive conditions including curfew and a prohibition from entering any airports, boat harbors, or places of egress on O'ahu.

For these reasons, as well as any others that may be argued at a hearing on this Motion, Mr. Kao requests that the Court modify his supervision conditions to allow him to him to be monitored by the SmartLINK application instead of the GPS Monitoring system.

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/s/ Victor J. Bakke

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