

MINUTES

CASE NUMBER: 1:20-MJ-01208-WRP-1
CASE NAME: United States of America v Martin Kao
ATTY FOR PLA: Craig S. Nolan
ATTY FOR DEFT: Victor J. Bakke
U.S. Pretrial Officer: Erin Patrick

JUDGE:	Kenneth J. Mansfield	REPORTER:	AT&T Service
DATE:	10/02/2020	TIME:	9:30 - 9:58

COURT ACTION: EP: TELEPHONIC DETENTION HEARING held.

Defendant is in custody and present via telephone from the Federal Detention Center.

Mr. Bakke represents that the Defendant waives his right in person and consent to appear via telephone. Court conducted a colloquy with Defendant. Defendant confirms counsel's representation.

Government's and Defendant's arguments heard. Court adopts Pretrial Services recommendation.

Court taking judicial notice of the documents on file, the report prepared by Pretrial Services and having considered the comments of counsel, the Court DENIES [6] Government's Motion to Detain Defendant Without bail.

The Court advised the defendant of the following conditions of release and informed the defendant that the Pretrial Services officer can answer any questions about these conditions of release.

The Government and the Defendant having no objection to the Pretrial Recommendations. Court adopts Pretrial Services Recommendation

Bail set at **\$ 2,000,000.00 SECURED Bond**, secured by: (3a) Cash deposited with the

court; the defendant is required to post \$2,000,000.00 with the following conditions:

(7b) Comply with pretrial services supervision, and abide by all conditions of release as directed by Pretrial Services. You are required to inform Pretrial Services within 24 hours of any contact with law enforcement, including but not limited to, any arrest, questioning (excludes instant offense), or traffic stop.

(7g1) Surrender any passport and all travel documents to the U.S. Pretrial Services Office. Do not apply for/obtain a passport. If not convicted, the passport will be returned to the defendant unless needed for evidentiary purposes. If convicted, Pretrial Services will transfer the passport to the U.S. Probation Office upon disposition of this case unless otherwise directed by the Court. Surrender no later than: **October 2, 2020, by 3:00 p.m.**

(7h3) Travel is restricted to: **the island of Oahu.**

(7i) Do not change residence without the advance approval of Pretrial Services.

(7m1) Contact is prohibited directly, indirectly, or through third parties with: co-defendants, co-conspirators, or witnesses in this and any related case. The U.S. Attorney's Office will provide Pretrial Services with initial and updated lists of names of persons with whom contact is prohibited.

(7p2) Comply with the Location Monitoring program under the direction of Pretrial Services. The Court authorizes release under the HOME DETENTION restriction which restricts you to your residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities pre-approved by Pretrial Services. **Pretrial Services is authorized to conduct the initial home installation on a delayed basis.**

(7p5) You must abide by the program requirements and instructions of Pretrial Services related to the proper operation of the specified Location Monitoring technology: PASSIVE GLOBAL POSITIONING SATELLITE (GPS) MONITORING. **The defendant is prohibited from entering any airports, boat harbors, or places of egress on Oahu.**

(7s1) You are prohibited from owning, possessing, or controlling any firearm or ammunition. Immediately surrender all firearms and ammunition to an agent approved by Pretrial Services.

(8n) Provide Pretrial Services with any and all requested financial information regarding your financial status including, but not limited to: employment and all sources of income, bank accounts, assets and liabilities, and investments. You are required to sign and

execute an Authorization to Release Financial Information as requested by Pretrial Services.

(8o) Pretrial Services is authorized to run credit reports on a random and "as needed" basis during the course of supervision to ensure compliance with pretrial release conditions. You are required to sign and execute any necessary release forms including, but not limited to an Authorization to Release Financial Information, as requested by Pretrial Services.

(8p) You are prohibited from applying for or receiving any loans or lines of credit, unless otherwise **disclosed in writing to** Pretrial Services. **This prohibition applies to personal and business loans.**

(9a) In conjunction with the Ho'okele program, the Court authorizes the defendant to participate in voluntary stress and anxiety counseling as arranged by Pretrial Services.

Other Conditions:

1. You are strictly prohibited from applying for or receiving a CARES Act Paycheck Protection Program (PPP) Loan.
2. The Federal Detention Center - Honolulu is authorized to release the defendant from custody upon written notice by the Pretrial Services Office that the conditions of release have been satisfied.

Release from custody is delayed pending the posting of the secured bond in the amount of \$2 million cash and the installation of location monitoring equipment.

After the Court discussed the above conditions of release with the defendant, the Court advised that the defendant could be brought back before the Court for any violations. The defendant affirmed that he understood the above conditions of release and agrees to be bound by these conditions.

These minutes will serve as the Bail Conditions of Release IT IS SO ORDERED.

Defendant to remain in the custody of the Federal Detention Center.

Submitted by: Bernie Aurio, Courtroom Manager