

PROB. 12B
(7/93)

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

JUN 20 2006
at 10 o'clock and 10 min. AM
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: CHAD TSUNEYOSHI

Case Number: CR 97-01199DAE-03

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra
U.S. District Judge

Date of Original Sentence: 4/4/2000

Original Offense: Count 1 - Conspiracy to Distribute and Possess With Intent to Distribute in Excess of 5 Kilograms of Cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 846, a Class A felony

Original Sentence: 60 months imprisonment and 5 years supervised release with the following special conditions: 1) that the defendant must participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office; and 2) that the defendant provide the Probation Office access to any requested financial information.

Type of Supervision: Supervised Release Date Supervision Commenced: 3/5/2004

PETITIONING THE COURT

To modify the conditions of supervision as follows:

Special Condition No. 3: That the defendant shall not associate with any known felons, without the prior approval of the Probation Office.

Special Condition No. 4: That the defendant serve 2 months of home detention with electronic monitoring as arranged by the Probation Office. During this time, the defendant shall remain at his place of residence during non-working hours and shall not leave his residence without the approval of the Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures pursuant to the Participant's Agreement and shall earn leave as determined

by the Probation Office. The defendant also will be responsible for the payment of the electronic monitoring costs as directed by the Probation Office.

CAUSE

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1. Standard Condition No. 9	On 3/10/2005, the offender associated with a convicted felon, namely Theodore Wender, without the prior approval of our office; and that on or about May 2006 through June 2006, the offender associated with convicted felon, namely Lance Keoho, without the prior approval of our office.
2. Standard Condition No. 3	That the offender failed to follow instructions issued on 3/29/2005.

As background information, since his release from prison, the offender has been the manager of Platinum Limousine on Oahu, which is owned by his brother. Our office has given approval for felons on federal supervision that are in compliance with their conditions of supervision to be employed at Platinum Limousine, and they are closely monitored. In addition, the offender also has a business, Platinum Activities LLC, that runs promotional events.

On 3/10/2005, during an unannounced employment contact at Platinum Limousine, this officer encountered Federal Offender Theodore Wender conversing with the offender. At that time, this officer did not recognize Mr. Wender as being a person on federal supervision. When questioned about Mr. Wender, the offender informed that Mr. Wender was assisting him with his internet company. The offender made no reference to Mr. Wender's supervision status.

However, fourteen days later, on 3/24/2005, this officer was assisting U.S. Probation Officer (USPO) Jonathan Skedeleski with the DNA collection process at the Diagnostic Laboratory Services (DLS) in Pukulani, Maui, when Mr. Wender reported for DNA collection. This officer advised USPO Skedeleski that Mr. Wender was seen associating with the offender at Platinum Limousine. USPO Skedeleski questioned Mr. Wender, who admitted that he had traveled to Oahu about every 7 weeks to fix computers at Platinum Limousine.

On 3/29/2005, the offender was questioned about the association with Mr. Wender and the offender acknowledged that he was aware that Mr. Wender was on federal supervision. The offender stated that he did not disclose his knowledge of Mr. Wender's supervision status to this officer on 3/10/2005 because he assumed this officer was aware that Mr. Wender was on federal supervision. When questioned further, the offender stated that he only had contact with Mr. Wender on the one

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occasion on 3/10/2005, when this officer saw them together at Platinum Limousine. This was contrary to Mr. Wender's report that he went to Platinum Limousine every 7 weeks. The offender was verbally admonished for associating with a convicted felon without the prior approval of our office and was given the following instructions: 1) cease all contact with Mr. Wender; 2) provide a list each month on his Monthly Supervision Report of all the convicted felons that he has been approved to associate with at Platinum Limousine; and 3) that he shall not associate with any convicted felons in accordance with Standard Condition No. 9, without the prior approval of our office.

Nonetheless, on 6/13/2006, USPO Skedleski informed this officer that Federal Offender Lance Keoho had disclosed that he had been associating with the offender since on or about May 2006 through June 2006 for the purpose of employment and a business partnership. When questioned further, Mr. Keoho disclosed to USPO Skedleski that he had been communicating with the offender since earlier this year.

On 6/14/2006, the offender reported to the Probation Office as directed. Upon questioning, the offender admitted that he had hired Mr. Keoho in May 2006 to work on a promotional event that the offender's business, Platinum Activities LLC, was sponsoring. The offender stated that subsequent to the promotional event, he and Mr. Keoho developed a business relationship involving an electric car business called Hawaii E-Ride. When questioned further, the offender stated that he first encountered Mr. Keoho at a promotional event in approximately July /2005; however, Mr. Keoho was not a participant at that particular event. The offender denied having contact with Mr. Keoho since earlier this year and remained adamant that their association began in May 2006, strictly for business purposes. When questioned as to why he did not gain prior approval from our office to associate with Mr. Keoho, the offender stated that he told Mr. Keoho to disclose their association to his USPO and that he believed listing their contact on his Monthly Supervision Report for May 2006 (which the offender submitted to this officer on 6/14/2006) was sufficient. The offender was advised that submitting a Monthly Supervision Report for the month of May on 6/14/2006, was not considered "prior approval." The offender was reminded of the incident with Mr. Wender and his instruction to gain "prior approval" from our office before pursuing any association with a convicted felon. The offender stated that he did not remember that he had to gain "prior approval."

At this point in time, our office is inclined to allow the offender to associate with Mr. Keoho for the purpose of their business venture. Our office will be closely monitoring the legitimacy of their association and the business venture. However, based on the offender's aforementioned violations, home confinement with electronic monitoring appears to be an appropriate sanction. The requested modification that the offender shall not associate with any known felons without the prior approval of the Probation Office is necessary to remind the offender that he needs to gain "prior approval" for association with felons.

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Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The offender waives his right to a hearing and to assistance of counsel. The offender agrees to the modification of the conditions of supervised release. The offender's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



LISA K.T. JICHA
U.S. Probation Officer

Approved by:

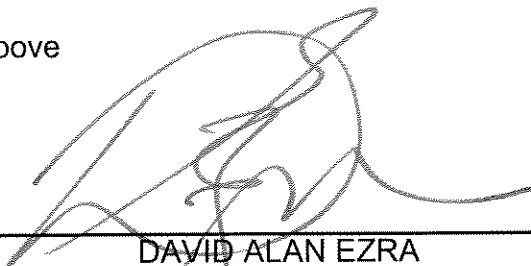


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 6/15/2006

THE COURT ORDERS:

- The Modification of Conditions as Noted Above
- Other



DAVID ALAN EZRA
U.S. District Judge

6/19/06

Date

PROB 49
(5/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

Special Condition No. 3: That the defendant shall not associate with any known felons, without the prior approval of the Probation Office.

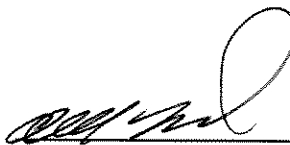
Special Condition No. 4: That the defendant serve 2 months of home detention with electronic monitoring as arranged by the Probation Office. During this time, the defendant shall remain at his place of residence during non-working hours and shall not leave his residence without the approval of the Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures pursuant to the Participant's Agreement and shall earn leave as determined by the Probation Office. The defendant also will be responsible for the payment of the electronic monitoring costs as directed by the Probation Office.

Witness:



LISA K.T. JICHA
U.S. Probation Officer

Signed:



Chad Tsuneyoshi
Supervised Releasee

June 15, 2006
Date