

**SEALED**

**BY ORDER OF THE COURT**

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UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
Apr 22, 2024, 2:48 pm  
Lucy H. Carrillo, Clerk of Court

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DENNIS KUNIYUKI MITSUNAGA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

KEITH MITSUYOSHI KANESHIRO (1),  
DENNIS KUNIYUKI MITSUNAGA (2),  
TERRI ANN OTANI (3),  
AARON SHUNICHI FUJII (4),  
CHAD MICHAEL MCDONALD (5),  
SHERI JEAN TANAKA (6),  
Defendants.

Case No. CR-22-00048-TMB-NC

**DENNIS MITSUNAGA MOTION  
RE: OSC WHY PRETRIAL  
RELEASE SHOULD NOT BE  
REVOKED**

[18 U.S.C. 3148; 18 U.S.C. 3142(g)]

**FILED UNDER SEAL**

Hon. Nathanael M. Cousins

## I. INTRODUCTION

Mr. Mitsunaga is 82 years old. On June 7, 2022 he was indicted in this matter. On June 17, 2022 he made his initial appearance and was released on an unsecured appearance bond in the amount of \$50,000. In nearly two years, Mr. Mitsunaga has not had a single violation until now.

On October 24, 2022 the conditions of release were modified to include a no contact order from 28 people, many of whom Mr. Mitsunaga had known for decades. One of those people was Rudy Alivado. Mr. Mitsunaga has known Rudy Alivado since high school, he has had several business interests with Mr. Alivado, and they are friends.

On April 19, 2024 at approximately 6pm Mr. Mitsunaga was arrested for violating his conditions of release by (1) having contact through an intermediary with Mr. Alivado and thereby violating the no contact order, and (2) committing acts of obstruction and witness tampering in that contact in violation of 18 U.S.C. 1503 and 1512.<sup>1</sup> No new charges have been brought. Mr. Mitsunaga has remained in custody since that time. The Court did not order that bail be revoked.

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<sup>1</sup> On April 20, 2024 counsel for Mr. Mitsunaga reviewed the government ex parte submission and exhibits filed with the Court. Counsel was not permitted a copy of the submission and this Motion is written without the benefit of having that pleading.

This motion seeks to rebut the presumption against release by providing the Court with an analysis of the factors to be considered regarding the release or detention of Mr. Mitsunaga during trial pursuant to 18 U.S.C. §§ 3148 and 3142(g), and to provide the Court with a combination of conditions of release that will reasonably assure the safety of the community and integrity of the trial.

**II. ARGUMENT**

**A. Factors to be Considered Pursuant to 18 U.S.C. 3142(g).**

1. Mr. Mitsunaga has led an upstanding life.

Mr. Mitsunaga has no criminal history. He is the founder of Mitsunaga and Associates, Inc., a 40-year-old well-respected Honolulu based architecture and structural engineering firm. He is married, has a daughter and grandchildren. He has resided in Hawai'i his entire life and in Honolulu for most of his life.

2. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

3. The allegations against Mr. Mitsunaga are an isolated incident.

Mr. Mitsunaga has remained on a \$50,000 unsecured appearance bond with no conditions for nearly two years without any violations. The allegations made against Mr. Mitsunaga in this proceeding are limited to a single isolated incident. There is no pattern of conduct alleged. [REDACTED]

[REDACTED]

[REDACTED] which resulted in the violations of his conditions of release.

**B. A combination of conditions can be imposed to assure the safety of the community and the integrity of the trial.**

Mr. Mitsunaga's [REDACTED] merit special consideration in determining his release status. Release with the following combination of

restrictive conditions will reasonably assure the safety of the community and the integrity of the trial.

**(1) Secured property bond.** Mr. Mitsunaga and his wife own real property with equity of approximately \$1.2 million that can be utilized to secure the bond.

(Ex. B, Proposed Real Property.)

**(2) House arrest with electronic monitoring.** Mr. Mitsunaga's movements may be limited to his home, meetings with his attorneys, court and necessary medical appointments.

**(3) Increased no contact order.** Mr. Mitsunaga's contact may also be further limited to only his attorneys, his wife, his daughter and grandchildren.

**(4) Phone limitation use.** Mr. Mitsunaga's phone use may be limited to his attorneys, his wife and his daughter.

### **III. CONCLUSION**

For the foregoing reasons it is respectfully submitted that the presumption against release is rebutted. It is requested that this Court order release with conditions as deemed necessary by the Court.

Dated: April 21, 2024.

Respectfully submitted,

/s/ Nina Marino  
NINA MARINO  
RYAN MITSOS  
JOHN SCHUM  
Attorneys for Defendant  
DENNIS KUNIYUKI MITSUNAGA