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ATTORNEY FOR THE DEFENDANT

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

IN RE: PUBLIC FIRST LAW
CENTER,

Movant.

MISC. NO. 26-112
[CR. NO. 19-99-DKW-KJW]

KAULANA FREITAS' RESPONSE
OBJECTING TO MOTION TO UNSEAL
GOVERNMENT'S MOTION AS TO
DEFENDANT KAULANA FREITAS
[DKT. 1809] AND DEFENDANT
FREITAS'S SENTENCING
MEMORANDUM [DOCKET 1820]
CERTIFICATE OF SERVICE

HONORABLE DERRICK K. WATSON
JUDGE

KAULANA FREITAS' RESPONSE OBJECTING TO UNSEAL GOVERNMENT
MOTION AS TO DEFENDANT KAULANA FREITAS [DKT. 1809]
AND DEFENDANT FREITAS' SENTENCING MEMORANDUM [DKT. 1820]

Comes Now, Kaulana Frietas, through counsel, William Bagasol, responds and objects to Public First Law Center's Motion to Unseal Government Motion as to Defendant Kaulana Freitas [DKT. 1809] and Defendant Freitas's Sentencing Memorandum [Dkt. 1820].

Defendant was sentenced to Racketeering Conspiracy, 18 U.S.C. § 1962(d) and Count 13: Use of Chemical Weapon 18 USC §§ 229(a)(1) and 229(a)(2) and 229A(a)(1) on or about January 16, 2025.

Prior to sentencing, both the government filed its Motion as to Defendant Kaulana Freitas and Defendant Freitas filed his Sentencing Memorandum under seal pursuant to Local Rule 5.2(a)(9). The Public First Law Center now seeks to unseal these documents.

THE LAW

When the First Amendment right of access applies, public access is presumed. *Oregonian Publ'g*, 920 F.2d at 1466-67. "It is the burden of the party seeking closure ... to present facts supporting closure and to demonstrate that available alternatives will not protect his rights." *Id.* at 1467. Accordingly, Mr. FREITAS must demonstrate that: "(1) closure serves a compelling interest; (2) there is a substantial probability that, in the absence of closure, this compelling interest would be harmed; and (3) there are no alternatives to closure that would

adequately protect the compelling interest.” *Phoenix Newspapers, Inc. v. U.S. Dist. Ct.*, 156 F.3d 940, 949 (CA9 1998).

A. Absent Closure or Redaction, There Is a Substantial Probability of Harm to Mr. Freitas’ and/or his Family’s safety

There are several facts specific to this case that provide the basis for a heightened level of concern for Mr. Freitas’ safety.

Mr. Freitas is concerned about the safety of himself and his family. In this case, Mr. Freitas testified against his own cousin, and implicated other associates. Mr. Miske’s enterprise and influence was far reaching. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] All those that cooperate with the cooperate with a government’s prosecution are considered “rats.” [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] For any one cooperating with law enforcement, there is level of danger. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Mr. Freitas remains under the jurisdiction of the courts and is still on supervised release. Concerns still persists. Based on the circumstances in this case, there are compelling reasons for closure.

These circumstances provide a substantial probability that Mr. Freitas' safety is at risk [REDACTED]. In a case that is instructive very instructive here, the Ninth Circuit found a defendant whose offense involved a large drug trafficking organization, where he had lost a significant load of the organization's methamphetamine, was involved in multiple border-crossing deliveries of drugs, had cooperated against others in custody, and had received a general threat towards his family required sealing any reference on the docket to the government's cooperation motion. See *United States v. Doe*, 870 F.3d 991 (CA9 2017). A “specific threat” or “evidence of retaliation” was not required to satisfy the defendant's burden in requesting closure. *Id.* at 999.

B. In the alternative to Closure, Defendant seeks a narrower alternative, such as a targeted redactions to the information contained in the sealed documents

Mr. Freitas' concern is with the wide availability and ease of access to the electronic docket. If unsealed, his court records can be accessed by anyone with internet access and a few dollars. If publicized or disclosed, there will likely be irreparable harm in this case. If the court is not inclined to grant closure, redacting

the sensitive portions in the sealed filings may be an alternative. This includes identifying information, addresses, phone numbers, the names of minors (such as, Freitas' children), etc.

In the alternative, it should be noted that Mr. Freitas is asking this Court for a narrowly tailored redaction that addresses the potential harm present in this case.

The proceedings in open court held on January 16, 2025 [REDACTED]

[REDACTED]. That record remains accessible to the public. Mr. Freitas is not requesting that hearing be sealed because the heightened concern is related to the electronic docket, particularly the documents that were filed under seal, Docket Nos. 1809 and 1820.

I. Conclusion

Mr. Freitas has successfully rebutted the presumption of openness. He has also established that there is no adequate alternative than closure. Accordingly, the defense respectfully requests that the Court enter an order keeping Docket Nos. 1809 and 1820 sealed, or in the alternative, an order for targeted redactions.

DATED: Honolulu, Hawai'i, April 30, 2026.

/S/ William C. Bagasol
WILLIAM C. BAGASOL
Attorney for Defendant
KAULANA FREITAS

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below,
a true and correct copy of the foregoing was served on the following at their last
known addresses:

Served via Email:

AISLINN AFFINITO, ESQ.
Assistant U.S. Attorney

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DATED: April 30, 2026.

/s/ William C. Bagasol
Attorney for Defendant
KAULANA FREITAS