

KENNETH M. SORENSON
United States Attorney
District of Hawaii

EDWARD P. SULLIVAN
Acting Chief, Public Integrity Section
U.S. Department of Justice

MOHAMMAD KHATIB
MARGARET C. NAMMAR #9045
Assistant United States Attorneys
Room 6-100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
E-mail: Mohammad.Khatib@usdoj.gov
Margaret.Nammar@usdoj.gov

WILLIAM GULLOTTA
Trial Attorney, Public Integrity Section
Criminal Division
U.S. Department of Justice
1301 New York Ave., N.W., 10th Fl.
Washington, D.C. 20530
Telephone: (202) 514-1412
E-mail: William.Gullotta2@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CASE NO. CR 22-00058-JAO-KJM-01
)	
Plaintiff,)	UNITED STATES OF AMERICA'S
)	AMENDED RESPONSE IN
vs.)	OPPOSITION TO SULLA'S MOTION
)	FOR BAIL PENDING APPEAL;
PAUL JOSEPH SULLA, JR., (01))	EXHIBITS A AND B; CERTIFICATE
)	OF SERVICE
Defendant.)	
)	
)	
)	

UNITED STATES OF AMERICA'S AMENDED RESPONSE IN OPPOSITION
TO SULLA'S MOTION FOR BAIL PENDING APPEAL

The defendant Paul Joseph Sulla, Jr. (“Sulla” or “the defendant”) stands convicted of ten felony counts for his part in a multi-year and multi-million-dollar scheme to bribe Alan Rudo, a public official at the Hawaii County Office of Housing and Community Development, and one count of money laundering for attempting to hide the fruits of his crimes after learning that he was the target of a federal criminal investigation. Throughout this case, Sulla has demonstrated his contempt for authority and his willingness to deceive governing bodies responsible for ensuring community safety. While on pretrial release, Sulla violated the conditions of his release meant to protect the public by using controlled substances and failing to comply with drug testing. At trial, Sulla repeatedly lied to the jury to thwart justice. The seriousness of his crimes and his trial misconduct was reflected in Sulla’s advisory Guideline range of 235 to 293 months’ imprisonment.

Undeterred by his convictions and possible sentence, Sulla violated his conditions of release while pending sentencing. He defied an order of the Supreme Court of Hawaii prohibiting him from practicing law, thereby violating Hawaii state law and the terms of his post-conviction release. The ensuing bail revocation hearing revealed still more bail violations and misconduct. Not only had Sulla failed to report prior contacts with law enforcement to U.S. Probation and Pretrial Services Office but he also misled the Hawaii Supreme Court by filing a false affidavit claiming he had returned all advance funds to his clients. At the conclusion of the

bail revocation hearing, the magistrate judge rejected Sulla's denials of his misconduct as not credible and revoked his bail. In doing so, the magistrate judge found that Sulla was unlikely to abide by any conditions of release and that he posed a danger to the community. In recognition of the seriousness of Sulla's conduct, this Court sentenced him to 60 months in prison—a significant sentence for a man of his age. Based on this record and Sulla's failure to rebut with clear and convincing evidence the presumption in favor of his detention, his motion for bail pending appeal should be denied.

I. RELEVANT BACKGROUND

On July 21, 2022, a federal grand jury returned an Indictment charging Sulla and Gary Zamber. ECF No. 1. A Superseding Indictment followed shortly thereafter adding Rajesh Budhabhatti. ECF No. 11.

Sulla had his initial appearance and arraignment on August 11, 2022. ECF No. 28. He was released on bail subject to certain conditions, including that he “not commit any offense in violation of federal, state, or local law while on release,” that he “not use or possess illicit drugs,” and that he “submit to random drug detection testing.” *Id.*

A Second Superseding Indictment (“SSI”) was returned on May 30, 2024, charging Sulla with a conspiracy and scheme to commit honest services fraud, and

money laundering. ECF No. 142. On June 14, 2024, Sulla was arraigned on the SSI and remained on previously imposed conditions of release. ECF No. 159.

A petition for action on conditions of pretrial release was filed after Sulla tested positive for THC twice in June 2024. ECF No. 192. The violation report noted that he had also used CBD in May 2024 and failed to report for drug testing in July 2024. An order to show cause hearing was held on July 16, 2024. Rather than revoke Sulla's bail, Magistrate Judge Kenneth J. Mansfield added the condition that he not use marijuana-related products, even for medicinal purposes, without prior approval. ECF No. 204.

On May 13, 2025, the parties proceeded to a jury trial. ECF No. 428. After ten days of trial and approximately three full days of deliberation, on June 4, 2025, *see* ECF Nos. 494, 514, the jury returned a verdict of guilty on all counts against Sulla and his two co-defendants. *See* ECF Nos. 514, 517. The United States did not move to detain the defendants following their convictions, and the Court ordered that they remain on their previously imposed conditions of release pending sentencing. *Id.*

Following his convictions but prior to his sentencing, Sulla's bail was revoked for engaging in the unauthorized practice of law. ECF No. 645 ("PSR") ¶ 10. At the hearing on the United States' motion, Judge Mansfield found probable cause that Sulla had been suspended from practicing law in Hawaii on July 29,

2025, but had nevertheless accepted a \$2,700 retainer from a new client on August 18, 2025, in violation of the Hawaii criminal code. *See* 12/4/2025 Tr. at 31-32.¹ Judge Mansfield further found there was clear and convincing evidence that Sulla had failed to report contact with law enforcement on four occasions, in violation of his conditions. *See id.* at 32. Judge Mansfield concluded that Sulla “is unlikely to abide by any condition or combination of conditions of release,” *id.* at 32, and ordered that he be immediately detained, “given the danger to the community and the non compliance of conditions that have been set forth” *id.* at 35.

On April 23, 2026, Sulla was sentenced to 60 months in prison, which represents a downward variance from the U.S. Sentencing Guidelines range calculated by the Court. ECF No. 713. In addition, Sulla must pay a \$5,000 fine and a \$44,848 forfeiture money judgment. *Id.* Sulla timely filed a notice of appeal. ECF No. 715. He now moves the Court for bail pending the outcome of his appeal. ECF No. 719.

II. APPLICABLE LAW

Where a defendant is convicted and sentenced to prison, the district court is required to detain the defendant pending appeal unless the defendant can show:

(1) by clear and convincing evidence that he does not pose a flight risk or danger to

¹ The excerpted transcript of the December 4, 2025, hearing on the United States’ motion to revoke bond and detain Sulla is attached as Exhibit A.

the community; (2) the appeal is not for purposes of delay;² and (3) the appeal raises a substantial issue of law or fact that is likely to result in reversal, an order for new trial on all counts for which he received a sentence of imprisonment, a sentence that does not include imprisonment, or a reduced sentence to a term of imprisonment less than the total time already served plus the expected duration of the appeal process.³ 18 U.S.C. § 3143(b); *see also United States v. Wheeler*, 795 F.2d 839, 840 (9th Cir. 1986).

When Congress enacted the Bail Reform Act, it “shifted the burden of proof from the government to the defendant” with respect to demonstrating the propriety of remaining free on bail, pending appeal. *United States v. Handy*, 761 F.2d 1279, 1283 (9th Cir. 1985). Thus, it is the defendant’s burden to overcome the presumption that he should be detained while his appeal is pending. *See United States v. Montoya*, 908 F.2d 450, 451 (9th Cir. 1990).

² The United States does not contend that the defendant’s appeal is for purposes of delay.

³ As previously argued, the United States respectfully maintains its position that the issues Sulla intends to raise on appeal do not amount to a substantial question of law or fact that would justify bail pending appeal under 18 U.S.C. § 3143(b). *See* ECF Nos. 657, 683. However, the Court has already decided this issue in favor of co-defendants Budhabhatti and Zamber. *See* ECF No. 687. Accordingly, the United States will not repeat its arguments by briefing that issue here. Besides, since Sulla has failed to demonstrate that he is unlikely to flee or pose a danger to the community if released, the Court need not address whether he “raises a substantial question of law or fact” on appeal to deny his motion.

III. DISCUSSION

The Court is required to detain Sulla pending appeal unless he proves by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any person or the community if he is released. *See* 18 U.S.C. § 3143(b)(1). Sulla cannot meet the standard for a stay of his sentence pending appeal. Sulla is 79 years old. At that age, his 60-month sentence is significant and provides an incentive to flee. More significantly, he poses a danger to the community.

A. **Sulla Has Failed to Rebut by Clear and Convincing Evidence the Presumption that He Poses a Danger to the Safety of Any Other Person or the Community**

Sulla's motion fails because he has not offered any facts that have changed since Judge Mansfield ordered him detained to support a finding that he is not likely to pose a danger to the safety of any other person or the community if he is released. *See, e.g., United States v. Smirnov*, No. 2:24-CR-00091-ODW, 2025 WL 1248910, at *5 (C.D. Cal. Apr. 30, 2025) ("Because the Court has previously found, by a preponderance of evidence, that [the defendant] poses a flight risk, [the defendant] must offer facts that have since changed to support a finding that he is not likely to flee by clear and convincing evidence."); *United States v. King*, No. 1:19-CR-00062-NONE-SKO, 2020 WL 3451581, at *2 (E.D. Cal. June 24, 2020) (denying defendant's motion for bail pending appeal where prior to entry of his

guilty plea two magistrate judges found that no condition or combination of conditions would reasonably assure defendant's appearance as required and the safety of the community were he to be released). The only new fact since Sulla's bail was revoked is that he has since been sentenced by the Court to a term of 60 months of imprisonment for his offenses. That fact is worse for Sulla—he went from being convicted of his crimes to being sentenced to a lengthy term of imprisonment for them. Therefore, Sulla presents no new facts in his motion that would alter the conclusion that he is a danger to the community, let alone provide “clear and convincing evidence” that he is not one.

Sulla's argument that he is a nonviolent offender is unavailing. The Ninth Circuit has held that a finding of dangerousness may be based upon economic harm to the community. *See United States v. Reynolds*, 956 F.2d 192, 192–93 (9th Cir. 1992). The evidence at trial demonstrated that Sulla engaged in fraudulent behavior for years, and given his unauthorized practice of law while on release, Judge Mansfield reasonably concluded that he presents an economic danger to the community. *See United States v. Wong*, No. CR-12-00578-SI, 2014 WL 3595026, at *2 (N.D. Cal. July 21, 2014) (denying non-violent defendant's bail pending appeal because continued dealings in business used to defraud potential clients raised the risk of economic danger to the community). Here, Sulla has demonstrated through his own actions that the suspension of his law license, the

closure of his law practice, and the publicity surrounding his convictions will not prevent him from victimizing new clients through the unauthorized practice of law.

Likewise, the Supreme Court of Hawaii has repeatedly stressed the danger posed to the community when an attorney violates a suspension order:

At a bare minimum, such violations and acts of misconduct harm the legal system, the profession, and the public by encouraging disrespect for the law and the courts and reinforce a perception of privilege and arrogance. ... Such blatant contempt for our rules and orders merits the severest sanction, inasmuch as that is the only sanction that will be sufficient to protect the public.

Off. of Disciplinary Couns. v. Gould, 119 Haw. 265, 271, 195 P.3d 1197, 1203 (2008) (quoting *Office of Disciplinary Counsel v. Lau*, 85 Hawai'i 212, 941 P.2d 295 (1997)).

Sulla's misconduct while on post-conviction release cannot simply be brushed aside as a "mistake." See ECF No. 719 at 7-8. Judge Mansfield was deeply troubled by Sulla's "unwavering" and "steadfast denial of any transgression" at the hearing on the motion to revoke his bail. 12/4/2025 Tr. at 33. He found Sulla's arguments "not credible," his explanation of events, "improbable," and his claim that he had not taken on a new client "belied by" the evidence. *Id.* at 32-33. During the hearing, Judge Mansfield also expressed his suspicion that Sulla had falsely represented to the Hawaii Supreme Court in late October 2025 that he "did not have any advance fees

to return” to any clients. *Id.* at 3-5. Judge Mansfield’s intuition was correct. As demonstrated by the \$1,500 refund check issued to D.C. on November 4, 2025, Sulla had misled the Hawaii Supreme Court. *See* ECF Nos 601 at 16, 601-12. Ultimately, Judge Mansfield did not trust that Sulla would follow the rules going forward. 12/4/2025 Tr. at 33. Likewise, this Court can take no comfort in his assurances that he will not reoffend while on release given Sulla’s habit and practice of making false statements.

Sulla’s reliance on *United States v. Khanna*, to argue that the United States must establish that he is an ongoing or future danger is entirely misplaced. *See* ECF No. 719 at 7-8. First, that case involved a motion to revoke the defendants’ pretrial release, where the government bore the burden of proof. *Khanna*, No. 2:22-CR-00213-KJM, 2023 WL 2189551, at *1 (E.D. Cal. Feb. 22, 2023). Here, it is Sulla who bears the burden of establishing by clear and convincing evidence that he is not likely to be a danger to the community. Second, given that Sulla is currently detained due to his prior violations of state law and the Court’s release conditions, the lack of evidence of ongoing criminal activity indicates that Judge Mansfield’s detention order is protecting the community as intended, not that Sulla is no longer a danger. Releasing Sulla when his detention “has worked and is continuing to work [to protect the community] is like throwing away

your umbrella in a rainstorm because you are not getting wet.” *See Shelby Cnty., Ala. v. Holder*, 570 U.S. 529, 590 (2013) (Ginsburg, J., dissenting).

Third, the *Khanna* defendants were not released on bail, as Sulla claims. *See* ECF No. 719 at 7-8. Rather, the court determined they posed a risk of nonappearance and their release orders were revoked. *Khanna*, 2023 WL 2189551, at *7.

Similarly, the United States submits that Sulla has misinterpreted the Court’s comments at sentencing about his risk of recidivism. As the United States understood it, the Court indicated that Sulla would pose a low risk of recidivism *after* serving his 60-month prison term. That would be a reasonable view, given Sulla’s age. On the other hand, to interpret the Court to have found that Sulla is presently unlikely to reoffend would be difficult to square with his offense conduct, his obstruction of justice, his violation of his release conditions, and Judge Mansfield’s recent finding that he poses a danger to the community.

B. Sulla Has Also Failed to Meet His Burden to Establish by Clear and Convincing Evidence that He is Unlikely to Flee

The risk of flight is inherent in the 60-month term of imprisonment, \$44,848 forfeiture money judgment, and \$5,000 fine that the Court has imposed on the 79-year-old defendant. Sulla’s arguments to the contrary all rely on cases involving pretrial detention, where the government bears the burden of proof. Following

sentencing, however, it is Sulla who bears the burden of overcoming the presumption in favor of his detention and convincing this Court that there is clear and convincing evidence that he is unlikely to flee. He has not done so.

Sulla is elderly and is now aware of the significant length of his incarceration, as well as the sum of the financial penalties he owes. These circumstances increase the likelihood that he will flee. *United States v. Nero*, No. CR 08-744-TUC-CKJ, 2012 WL 3264530, at *1 (D. Ariz. Aug. 9, 2012).

Moreover, Sulla is wealthy and recently liquidated over \$100,000 in stocks and cryptocurrency, which indicates that he also has the financial means to flee. *See* PSR ¶ 117. That fact alone makes him a flight risk. *See United States v. Aitken*, 898 F.2d 104, 107 (9th Cir. 1990) (access to large sums of cash creates a risk of flight).

Sulla fails to make the case that he is not a flight risk. He maintains that he has attended all required court appearances throughout this case, intends to fight his convictions, has strong family ties to the district and no foreign ties. *See* ECF No. 719 at 4-6. However, he ignores the fact that he was detained prior to his sentencing for violating the conditions of his pre-trial and post-conviction release. Accordingly, attendance at sentencing was not exactly a matter of choice for Sulla. Despite Sulla's family and community ties, his pre-trial and post-conviction violations and defiance of other court orders, at a minimum, raise legitimate

concerns about the likelihood of his future appearance. And the fact that Sulla intends to appeal his convictions does not satisfy his burden to prove that he is not a flight risk. *See United States v. Fujinaga*, No. 2:15-CR-00198-GMN-NJK, 2021 WL 3276146, at *3 (D. Nev. July 30, 2021) (“Defendant further does not provide any caselaw or authority to support its argument that the pending appeal of his case discourages flight.”). Therefore, Sulla has failed to present clear and convincing evidence that he is unlikely to flee. *See* 18 U.S.C. § 3143(b)(1)(A).

C. Sulla’s Health Concerns and the Bail Status of Co-Defendants are Irrelevant to the Court’s Bail Analysis

While the United States recognizes that Sulla’s age-related health issues are a concern for him, he cites no authority (and the United States is not aware of any) suggesting those concerns should be considered in the Court’s determination as to whether he meets the threshold requirements for the granting of bail pending appeal under § 3143(b). *See King*, 2020 WL 3451581, at *2 (finding no support for the argument that conditions at BOP arising out of the COVID-19 pandemic impacts the § 3143(b) analysis). Besides, as the United States pointed out at sentencing, there is no evidence that Sulla’s health care needs are not being met by the Bureau of Prisons. In fact, the evidence suggests that it is Sulla who is jeopardizing his own health by refusing recommended medications for his heart condition. According to his medical record, Sulla has been refusing medications intended to treat his cardiovascular condition, including Atorvastatin, Coreg and

Lasix. *See* Exhibit B (Excerpts of Sulla’s BOP Medical Record). Rather than taking prescribed medications, Sulla prefers taking an “alternative health drink in [the] community.” *Id.* In any event, Sulla’s health did not prevent him from engaging in the offense conduct, committing perjury at trial, or engaging in the unauthorized practice of law while on post-conviction release. Thus, there is no reason to believe that they are suddenly now an impediment to his misconduct.

Likewise, Budhbhatti’s and Zamber’s bail statuses are irrelevant to whether Sulla meets the requirements of § 3143(b). The analysis necessarily involves a fact-based inquiry into the circumstances of each defendant. Sulla stands apart from his co-defendants in many regards. Unlike them, Sulla (i) attempted to conceal the fruits of his crimes knowing he was under investigation, (ii) repeatedly violated the terms of his pre-trial release, (iii) committed perjury at trial, and (iv) violated Hawaii state law and his conditions while on post-conviction release. Sulla is not entitled to bail simply because his differently situated co-defendants received stays of their sentences.

//

//

IV. CONCLUSION

For the foregoing reasons, the United States respectfully requests that the Court find that Sulla has failed to overcome the presumption in favor of detention pending appeal and deny his motion.

DATED: May 12, 2026, at Honolulu, Hawaii.

Respectfully submitted,

KENNETH M. SORENSON
United States Attorney
District of Hawaii

EDWARD P. SULLIVAN
Acting Chief
Public Integrity Section

By /s/ Mohammad Khatib
MOHAMMAD KHATIB
MARGARET C. NAMMAR
Assistant U.S. Attorneys

By /s/ William J. Gullotta
WILLIAM J. GULLOTTA
Trial Attorney
Public Integrity Section
U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the following individuals on the date and in the manner described below:

Served Via CM/ECF:

ALYSSA D. BELL
abell@cohen-williams.com

JENNIFER RESNIK
jresnik@cohen-williams.com

COHEN WILLIAMS LLP
724 South Spring Street, 9th Floor
Los Angeles, CA 90014

BIRNEY BERVAR
BBB@bervar-jones.com

BERVAR & JONES
1100 Alakea Street, 20th Floor
Honolulu, HI 96813

Attorneys for Defendant
PAUL JOSEPH SULLA, JR.

DATED: May 12, 2026, at Honolulu, Hawaii.

/s/ Mohammad Khatib
Assistant United States Attorney
District of Hawaii

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)
) Case No. 22-CR-00058-JAO-KJM
)
 Plaintiff,) December 4, 2025
) 10:11 a.m.
 vs.)
)
 PAUL JOSEPH SULLA, JR.,)
)
 Defendant.)
)
)
 _____)

TRANSCRIPT OF MOTION HEARING AS TO UNITED STATES OF AMERICA'S
MOTION TO REVOKE BOND AND DETAIN DEFENDANT SULLA
BEFORE THE HONORABLE KENNETH J. MANSFIELD
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: Mohammad Khatib, Esq.
Margaret C. Nammar, Esq.
William Gullotta, Esq.
U.S. Attorney's Office
300 Ala Moana Avenue, #6-100
Honolulu, HI 96850

For the Defendant: Birney B. Bervar, Esq.
Bervar & Jones
1100 Alakea Street, 20th Floor.
Honolulu, HI 96813

For the Defendant: Alyssa D. Bell, Esq.
Cohen Williams
724 South Spring Street, 9th Flr
Los Angeles, CA 90014

Transcription Service: Jessica B. Cahill, CER/CET-708
Maukele Transcribers, LLC
467 Maukele Place
Wailuku, Maui, HI 96793
Telephone: (808)298-8633

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 DECEMBER 4, 2025 10:11 A.M.

2 THE CLERK: All rise. The United States District Court
3 for the District of Hawaii with the Honorable Kenneth J.
4 Mansfield, United States Magistrate Judge, presiding, is now in
5 session. The gallery may be seated.

6 Criminal case number CR-22-00058JAO-KJM, United States
7 of America vs. Defendant 1, Paul Joseph Sulla, Jr. This case has
8 been called for a motion to detain -- motion to revoke bond and
9 detain Defendant Sulla.

10 Counsel, please make your appearances for the record,
11 starting with the Government.

12 MR. KHATIB: Good morning, Your Honor. Mohammad Khatib
13 and Margaret Nammar on behalf of the United States of America.

14 THE COURT: Good morning.

15 MR. BERVAR: Good morning, Your Honor. Birney Bervar
16 on behalf of Paul Sulla, who is present. I believe my co
17 counsel, Alyssa Bell, is present on the telephone.

18 THE COURT: All right. Good morning to you both. Ms.
19 Bell, are you on the phone?

20 MS. BELL: I am, Your Honor. Good morning.

21 THE COURT: Good morning. You can hear us okay?

22 MS. BELL: I can. Thank you so much.

23 THE COURT: Is anyone on the phone for the Government?

24 MR. KHATIB: Yes, Your Honor, I'm sorry.
25

1 THE COURT: Go ahead, Mr. Khatib.

2 MR. KHATIB: I forgot to mention that trial attorney
3 Bill Gullotta is also on the phone on behalf of the United
4 States.

5 THE COURT: All right. Mr. Gullotta, are you there?

6 MR. GULLOTTA: Yes, Your Honor. I can hear you loud
7 and clear.

8 THE COURT: Okay. Great. Thank you very much.

9 All right. So I have reviewed the motion, the
10 opposition, the report from Pretrial Services received yesterday,
11 and it's the Government's motion. You folks can go first. You
12 folks can be seated.

13 MR. KHATIB: Thank you, Judge. I want to begin by
14 acknowledging that Mr. Bervar has handed me a check written by
15 Mr. Sulla. It's written out to JC in the amount of \$1,200, and
16 it has a memo line refund.

17 THE COURT: Okay. Let's pause there for a second. Why
18 is that being turned over this morning, Mr. Bervar?

19 MR. BERVAR: Well, the allegations were that he was
20 practicing law without a license and took this money from JC as a
21 legal fee, and he's refunding the money.

22 THE COURT: How does your client reconcile that with
23 his statement to the Supreme Court back in late October that he
24 had no funds to return to clients?

25 MR. BERVAR: You want to respond to that, Mr. Sulla?

1 THE DEFENDANT: Well, I -- at that time, I didn't
2 believe I did because I didn't believe I was -- I had been
3 refunding all my monies to everybody, and I didn't consider this
4 to be any more than that. I thought it was completed. This was
5 in August, Your Honor. And at that time, I was not fully aware
6 of all of the 2.16(b) requirements. And this was within the 30
7 day period. I just got -- I wasn't sure. What I was doing, Your
8 Honor, I was trying -- I was trying to resign my practice and I
9 was refunding those that I did. I wasn't taking much anything
10 else, so I didn't mistake -- overlooked it.

11 THE COURT: Yeah. I guess what concerns me is you
12 represented to the Hawaii Supreme Court in late October, it's a
13 public document, I pulled it off the docket yesterday, you said I
14 did not have any advance fees to return because I began winding
15 down my practice in April 2025. You made that representation to
16 the Hawaii Supreme Court. I don't know, was that six weeks ago?
17 And here you are this morning --

18 THE DEFENDANT: Six weeks ago?

19 THE COURT: -- returning -- I'll give you --

20 THE DEFENDANT: Oh, no, it's okay, Your Honor, I
21 don't --

22 THE COURT: You can have a copy.

23 THE DEFENDANT: -- I didn't realize that was six --
24 that's October. I thought I had, Your Honor, I had not had --

25 THE COURT: I have a copy for Mr. Bervar and Mr.

1 Khatib. I just pulled this off the Supreme Court Docket
2 yesterday afternoon, and I'm looking at paragraph six. And the
3 reason I look for the docket is because the opposition that I
4 have contained some affidavits from you, but they're unsigned,
5 and I didn't know what to make of it. They're like draft
6 affidavits that your lawyers gave me. And so I wanted to see
7 what you actually told and what you actually swore to.

8 And so I'm just trying to reconcile your statement in
9 paragraph six. This is Docket 19 from Supreme Court Docket 25-
10 499.

11 THE DEFENDANT: I see that, Your Honor. I did not
12 believe I had any more funds to return at that time, Your Honor,
13 when I did this. I thought I had resolved everything. The
14 monies I had put into the account, and I was going to -- I was
15 turning it over to my supervising counsel, Lockey White.

16 And so I wasn't aware there was anything lingering at
17 that stage or matter going on. I'm sorry, Your Honor. I did
18 wipe out my client funds account around that time, and it wasn't
19 there, so.

20 THE COURT: Okay. All right. Thank you.

21 THE DEFENDANT: Sorry about that, Your Honor.

22 THE COURT: You don't have to apologize to me. You
23 might want to address the Supreme Court. Go ahead, Mr. Khatib.

24 MR. KHATIB: Thank you, Your Honor. So, Your Honor, I
25 just want to kind of set the stage here a little bit. I think,

1 So the reason I don't have signed copies is, Your
2 Honor, is I've been doing a lot of self work myself, which hasn't
3 been, you know, showing me that, you know, at the time I'm -- I
4 was trying to go into another line of endeavors, but I've been
5 blocked on that. I can't trade stock and stuff, which is what I
6 was hoping to do to keep myself afloat. So that's just recently
7 happened.

8 And so all my accounts have been blocked. And I'm just
9 really trying to work with the new landscape that I'm under. And
10 as far as -- I don't -- a flight risk to me would be living life
11 and something which would be a hell that I wouldn't be able to
12 really take. You know, I love my community. Thank you.

13 THE COURT: Okay. Thank you, Mr. Sulla. Mr. Khatib.

14 MR. KHATIB: Your Honor, just a couple of comments.
15 You know, I appreciate what Mr. Sulla just said, but it seems
16 that he's selectively confused about things he wants to be
17 confused about, but is very sure about the things he wants to be
18 sure about. He's sure that he didn't take the original deeds
19 from JC, but he's confused about everything else, all the things
20 that would have negative consequences for him.

21 And then, you know, just to address Mr. Bervar's note
22 on the new violations that were discovered by Pretrial Services,
23 it's not the nature of the violations, Your Honor, that's
24 concerning, it's the fact that he didn't report to Pretrial
25 Services his contact with law enforcement. And it just shows

1 that throughout this case, Mr. Sulla has shown an inability to
2 abide by his conditions.

3 THE COURT: Okay. Thank you. I appreciate the
4 presentation by everybody. I am operating under 18 U.S.C. 3148,
5 which does require a revocation of release and detention if those
6 requirements are met in the statute. So let's run through it.

7 Based upon the record before me on this motion, I do
8 find that there's probable cause to find that Mr. Sulla engaged
9 in the unauthorized practice of law. He was suspended on July
10 29, 2025, and he was expressly prohibited by a very clear rule to
11 not accept any new retainer or engage as an attorney for any new
12 case or any legal matter of any nature. And he violated this
13 prohibition when he accepted a new client and a new \$2,700
14 retainer on August 18, 2025.

15 Relying, in part, on the case cited by Mr. Sulla, In Re
16 John Schum, 2025 Westlaw 238916, I do find that his preparation
17 and assistance with execution of the power of attorney form
18 constitutes the practice of law inasmuch as it involves, and I'm
19 quoting from the opinion, the preparation of any document or the
20 rendition of any service to a third party affecting the legal
21 rights of such party, or where such advice, drafting or rendition
22 of service requires the use of any degree of legal knowledge,
23 skill, or advocacy. And that's at pages 5 to 6 of that opinion
24 where it quotes the legislative history of the statute.

25 As has been briefed, HRS 605-14 prohibits the

1 unauthorized practice of law, and HRS 605-17 makes a violation a
2 criminal misdemeanor. Thus, I do find probable cause that Mr.
3 Sulla committed a state crime while on release, thus satisfying
4 18 U.S.C. 3148(b)(1)(A).

5 I also find, based upon the information in the report
6 from U.S. Probation, that there is clear and convincing evidence
7 that Mr. Sulla violated release condition 7(b) four times. That
8 provision required him to report any traffic stop to Pretrial
9 Services. So I also find that 18 U.S.C. 3148(b)(1)(B) is
10 satisfied.

11 So then the question is, what do I do about that? I am
12 focused on Subsection 2(b). And I do find, based upon the record
13 in front of me, that Mr. Sulla is unlikely to abide by any
14 condition or combination of conditions of release. He is a very
15 experienced attorney. I've known him for some years, and I find
16 his explanation of these events improbable.

17 The Supreme Court rules at issue are straightforward.
18 They're easy to understand. He was not permitted to take in any
19 new clients or any new retainer, and he did both.

20 The argument, I didn't hear it so much this morning,
21 but it's certainly in the brief, that he merely printed Internet
22 forms for a \$1,200 fee, it's not credible, it's not supported by
23 -- and was not practicing law is not credible, it's not supported
24 by governing law. Claiming that JC was not his client is belied
25 by his September 22, 2025 letter to her where he states that he's

1 unable to act as her attorney any longer. It's an admission by
2 Mr. Sulla that he had in fact been acting as her attorney.

3 I think what troubles me most is Mr. Sulla's steadfast
4 denial of any transgression. We frequently have defendants trip
5 up on release, and in fact, Mr. Sulla did so earlier in this
6 case. When they come in, as Mr. Sulla did earlier in this case,
7 and own their mistakes and are straightforward with the Court, it
8 is much easier to give them another chance. It's much easier to
9 trust them, that they will follow the rules going forward.

10 But here, the whole presentation this morning is
11 consistent with the brief. Mr. Sulla remains unwavering that he
12 did not do anything wrong. And his unwavering denial leads me to
13 conclude he remains unlikely to abide by any conditions of his
14 release. Even prior to this morning's hearing, he failed to
15 return the \$1200 retainer, which he, of course, says was for
16 printing documents off the Internet.

17 So having made these findings, I am required by statute
18 to revoke Mr. Sulla's release, and I do so, and I order him
19 detained and remanded to the custody of the U.S. Marshals
20 forthwith. My verbal order will stand in the place of a written
21 ruling.

22 Is there anything further from counsel? Anything
23 further for Mr. Sulla?

24 MR. BERVAR: Not for me, Your Honor.

25 THE COURT: Okay. Ms. Bell.

1 MS. BELL: Your Honor, we would ask rather than for
2 forthwith remand for some very brief period of time for self
3 surrender so that Mr. Sulla could get his affairs in order. Any
4 period of time we would greatly appreciate.

5 THE COURT: Okay. For me, I would operate -- when
6 these issues come up on simple detention hearings, we look at
7 Nken vs Holder, and the requirements for staying any order of
8 this Court, which are the ones we're all familiar with,
9 likelihood of success, threat of irreparable harm, and the public
10 interest in a stay. I'll give you a chance to address those, and
11 I'll certainly hear from the Government as well.

12 MS. BELL: Your Honor, I think in this instance, Mr.
13 Sulla is preparing for upcoming motions hearings and sentencing
14 hearings for which he needs to be in communication with his
15 attorneys. So certainly, the likelihood of irreparable harm to
16 him if he's unable to get his affairs in order is tremendous.

17 I understand Your Honor's ruling and I respect it. At
18 the same time, I think the immediate danger to the community does
19 not outweigh the need for Mr. Sulla here to have just a momentary
20 reprieve so that he may be able to make some necessary
21 arrangements before going into custody.

22 THE COURT: Okay. Thank you. Mr. Khatib.

23 MR. KHATIB: Yeah. Your Honor, this -- our motion was
24 filed November 19, 2025. Mr. Sulla knew what we were asking for,
25 knew what the possible outcomes were given his conduct, and

1 should have been prepared for this eventuality, and so we would
2 oppose.

3 THE COURT: Okay. Thank you. I'm going to deny the
4 request to stay my order. Again, following the Nken vs Holder,
5 which I should give you, this site is 556 U.S. 418, I don't think
6 Mr. Sulla has a likelihood of success on any appeal of this
7 order. Certainly, if that's one of the items under
8 consideration, I believe the statute is met. And at that point
9 my hands are tied.

10 I certainly agree with Ms. Bell. The irreparable harm
11 of detention, I cannot deny that, but I think the public
12 interest, under the circumstances, given what we've been
13 discussing this morning, given the danger to the community and
14 the non compliance of conditions that have been set forth, I
15 think the public interest weighs in favor of Mr. Sulla's
16 immediate detention.

17 So I'm denying your request, Ms. Bell, and I do order
18 him detained forthwith.

19 So we will be in recess. I don't know if the Marshals
20 are in the -- the Marshals are in the room, so we'll be in
21 recess. Sir, you are remanded to the custody of the U.S.
22 Marshals.

23 THE CLERK: All rise. Court is in recess.

24 (Proceedings concluded at 11:08 a.m.)

25

CERTIFICATE

I, Jessica B. Cahill, court approved transcriber, do hereby certify that pursuant to 28 U.S.C. §753, the foregoing is a complete, true, and correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated: April 16, 2026



Jessica B. Cahill, CER/CET-708

EXHIBIT B

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: SULLA, PAUL JOSEPH	Sex: M	Race: WHITE	Reg #: 15936-510
Date of Birth: [REDACTED]	Provider: Tang, Keith (MOUD-M)	Facility: HON	Unit: E01
Encounter Date: 12/08/2025 11:36			

Reviewed Health Status: Yes

Chronic Care - 14 Day Physician Eval encounter performed at Health Services.

SUBJECTIVE:

COMPLAINT 1 Provider: Tang, Keith (MOUD-M) MD, CD

Chief Complaint: Chronic Care Clinic

Subjective: 79-year-old male here for 14-day

1. Cardiac- Patient has hx of mitral regurgitation with 2 valves replacement in 2023. He has atrial fibrillation with an ablation. His last EF based on ECHO was around 30 percent. Patient refused to take any medications as recommended. He was supposed to be on ASA 81 mg po daily. Atorvastatin, Coreg and Lasix. He signed a refusal. Patient reports he has been fine without medications after his cardiac valve surgery.

2. Ortho- He had a hip replacement and is doing fine.

Pain: Not Applicable

Allergies:

<u>Allergy</u>	<u>Reaction</u>	<u>Comments</u>
No Known Allergies		

Allergies list reviewed/updated for the presence or absence of allergies, sensitivities, and other reactions to drugs, materials, food and environmental factors with the patient on 12/08/2025 11:36 by Tang, Keith (MOUD-M) MD, CD

Seen for clinic(s): Cardiac, Orthopedic/Rheumatology

Added to clinic(s): Cardiac, Orthopedic/Rheumatology

OBJECTIVE:

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
12/08/2025	11:40 HON	95			Tang, Keith (MOUD-M) MD, CD

Blood Pressure:

<u>Date</u>	<u>Time</u>	<u>Value</u>	<u>Location</u>	<u>Position</u>	<u>Cuff Size</u>	<u>Provider</u>
12/08/2025	11:40 HON	131/75				Tang, Keith (MOUD-M) MD, CD

SaO2:

<u>Date</u>	<u>Time</u>	<u>Value(%)</u>	<u>Air</u>	<u>Provider</u>
12/08/2025	11:40 HON	98		Tang, Keith (MOUD-M) MD, CD

Weight:

<u>Date</u>	<u>Time</u>	<u>Lbs</u>	<u>Kg</u>	<u>Waist Circum.</u>	<u>Provider</u>
12/08/2025	11:40 HON	179.4	81.4		Tang, Keith (MOUD-M) MD, CD

Exam:
General

Appearance

Yes: Appears Well, Alert and Oriented x 3, Alert & Oriented to Person, Alert & Oriented to Place, Alert & Oriented to Time
 No: Appears Distressed

Pulmonary

Observation/Inspection

Yes: Within Normal Limits

Auscultation

Yes: Clear to Auscultation

Cardiovascular

Observation

Yes: Within Normal Limits, Normal Rate, Regular Rhythm

Auscultation

Yes: Regular Rate and Rhythm (RRR), Normal S1 and S2

ASSESSMENT:

Atrial fibrillation, I4891 - Current - *had ablation*
 Nonrheumatic mitral valve disorder, I349 - Current - *valve replacement*
 Presence of unspecified artificial hip joint, Z96649 - Current

PLAN:

Discontinued Laboratory Requests:

<u>Details</u>	<u>Frequency</u>	<u>Due Date</u>	<u>Priority</u>
Lab Tests - Short List-General-Hep C Ab	One Time	03/03/2026 00:00	Routine
Lab Tests - Short List-General-HIV 1/2			
Lab Tests - Short List-General-Syphilis Antibody	One Time	03/03/2026 00:00	Routine
Cascading Reflex			
Labs requested to be reviewed by: Tang, Keith (MOUD-M) MD, CD			

New Laboratory Requests:

<u>Details</u>	<u>Frequency</u>	<u>Due Date</u>	<u>Priority</u>
Lab Tests - Short List-General-Lipid Profile	One Time	12/24/2025 00:00	Routine
Lab Tests - Short List-General-CBC			
Lab Tests - Short List-General-TSH			
Lab Tests - Short List-General-Hep C Ab			
Lab Tests - Short List-General-HIV 1/2			
Lab Tests - Short List-General-Hemoglobin A1C			
Lab Tests - Short List-General-Syphilis Antibody			
Cascading Reflex			
Lab Tests - Short List-General-Comprehensive Metabolic Profile (CMP)			
Lab Tests - Short List-General-PSA, Total			

New Non-Medication Orders:

<u>Order</u>	<u>Frequency</u>	<u>Duration</u>	<u>Details</u>	<u>Ordered By</u>
Fecal Occult Blood	One Time			Tang, Keith (MOUD-M) MD, CD
	Order Date:	12/08/2025		
EKG	One Time			Tang, Keith (MOUD-M) MD, CD
	Order Date:	12/08/2025		

Inmate Name: SULLA, PAUL JOSEPH
Date of Birth: [REDACTED]
Encounter Date: 12/08/2025 11:36
Sex: M
Race: WHITE
Provider: Tang, Keith (MOUD-M)
Reg #: 15936-510
Facility: HON
Unit: E01

New Non-Medication Orders:

Order Frequency Duration Details Ordered By

Schedule:

<u>Activity</u>	<u>Date Scheduled</u>	<u>Scheduled Provider</u>
Chronic Care Visit	06/25/2026 00:00	Physician

Disposition:

Follow-up at Sick Call as Needed

Other:

Plan

- 1. Patient refused to take any medications for his cardiac conditions. A refusal form was signed by patient.
- 2. EKG and FIT entered.

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
12/08/2025	Counseling	Plan of Care	Tang, Keith	Verbalizes Understanding

Copay Required: No **Cosign Required:** No

Telephone/Verbal Order: No

Completed by Tang, Keith (MOUD-M) MD, CD on 12/08/2025 11:47

79 yo male presents for H&P; Hx of Aortic and MV Replacements. Hx of Afib w/RVR and persistent Afib, Systolic and diastolic HF (no recent echo), and cardiomyopathy. Seen by Dr. Tang.

Hx of Liver Lesions

Noted liver biopsy last month after CT scan.
 Request Liver MRI w/in next 6 months

Hx of CHF- Previous echo shows 40% EF

Request F/U TE echo.
 Labs ordered by Dr. Tang already

Aortic/MV Murmur/Hx of Afib

Loud Aortic/MV Murmur noted on auscultation.

Reports he was born with a murmur and only had problems when he was having palpitations and noted to be in Afib.

Ablation done on 03/2023

Denies sx, No c/o CP, SOB, or dizziness, fainting, chronic cough, rapid or pounding, or excessive sweeting.

No LE edema noted, or bulging neck veins

Request ECG

Hip Replacement

Hx of Hip Replacement

Lower bunk ordered

Pt refusing to take all medications. States that he takes alternative health drink in community. Agrees to take baby ASA.

Refusal form in doc manager

Disposition:

Follow-up at Sick Call as Needed

Follow-up at Chronic Care Clinic as Needed

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
12/09/2025	Counseling	Access to Care	David, Micah	Verbalizes Understanding
12/09/2025	Counseling	Compliance - Treatment	David, Micah	Verbalizes Understanding
12/09/2025	Counseling	Diagnosis	David, Micah	Verbalizes Understanding
12/09/2025	Counseling	Exercise	David, Micah	Verbalizes Understanding
12/09/2025	Counseling	Hand & Respiratory Hygiene	David, Micah	Verbalizes Understanding
12/09/2025	Counseling	Infection Prevention	David, Micah	Verbalizes Understanding
12/09/2025	Counseling	New Medication	David, Micah	Verbalizes Understanding

BP-S358.060
JUN 10

MEDICAL TREATMENT REFUSAL

CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

12-8-2025
Date

I, PAUL SULLA 15936-510, refuse treatment recommended by the Federal Bureau of Prisons Medical staff for the following condition(s):

DESCRIBE CONDITION IN LAYMAN'S TERMINOLOGY:

Refusing all medication except baby aspirin

The following treatment(s) was/were recommended:

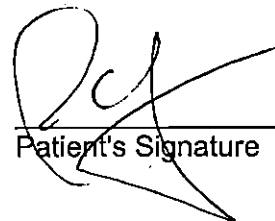
medications ordered on release from hospital S/P valve replacement

Federal Bureau of Prisons Medical staff members have carefully explained to me that the following possible consequences and/or complications may result because of my refusal to accept treatment:

*deterioration of cardiac condition.
fuy*

I understand the possible consequences and/or complications, listed above, and still refuse recommended treatment. I hereby assume all responsibility for my physical and/or mental condition, and release the Bureau of Prisons and its employees from any and all liability for respecting and following my expressed wishes and directions.

DAVID, MICAH APRN, FNP-C 12-8-2025
Signature of Witness Date

 12/7/25
Patient's Signature Date

3/3 2025 [Signature] 12-08-2025
Signature of Witness Date

HON--HONOLULU FDC