

MINUTES

CASE NUMBER: 1:17-CR-00446-SOM-KJM-1

CASE NAME: USA v. Ikaika Erik Kang

ATTYS FOR PLA: Kenneth M. Sorenson
Marc A. Wallenstein

ATTYS FOR DEFT: Birney B. Bervar
Alexander Silvert

AGENTS: John Lehr-FBI
Jessica Tomonaga-FBI Special Agent
Stephen Biggs-NCIS

USPO: Darsie Ing-Dodson

JUDGE: Susan Oki Mollway

REPORTER: Cynthia Fazio

DATE: 12/4/2018

TIME: 9:00am-9:30am

COURT ACTION: EP: Sentencing to Counts 1-4 of the Indictment as to defendant Ikaika Erik Kang-

Defendant Ikaika Erik Kang present, in custody.

Court adopts the PSR and it is placed under seal and is available to counsel.

The Memorandum of Plea Agreement has been accepted by the Court.

Allocution by the defendant.

ADJUDGED:

Imprisonment: 240 MONTHS as to each of Counts 2 through 4, to run concurrently; and 60 months as to Count 1, to run consecutively to all other counts, for a total of 300 months (downward variance) .

Supervised Release: 20 YEARS as to each count, with all such terms to run concurrently.

Special Assessment: \$400 (\$100.00 as to each of Counts 1 through 4).

Recommended Conditions:

You must abide by the mandatory and standard conditions of supervision, including the following conditions:

You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision, *unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.* (mandatory condition)

You must cooperate in the collection of DNA as directed by the probation officer. (mandatory condition)

You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you are released, unless the probation officer instructs you to report to a different probation office or within a different time frame. (standard condition)

You must abide by the following special conditions:

1. You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.
2. You must participate in a mental health assessment, and any recommended treatment in a mental health program, and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (such as provider, location, modality, duration and intensity).
3. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or storage devices or media, or office to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner. You must also submit to periodic unannounced examinations of your computer and computer accessories, as well as provide access to Internet service provider account records, as directed by the probation officer. You must warn other occupants that the premises may be subject to searches pursuant to this condition.

Defendant advised of his right to appeal.

JUDICIAL RECOMMENDATIONS: 1) Terminal Island, CA; Lompoc, CA; and any West Coast facility due to proximity to family 2) Educational and Vocational training; and 3) Mental Health treatment.

Defendant remanded to the custody of the U.S. Marshal Service.

Mittimus forthwith.

Submitted by: Theresa Lam, Courtroom Manager