

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 18-00124 SOM
)	
Plaintiff,)	ORDER GRANTING DEFENDANT
)	ANNA UTU'S MOTION TO
vs.)	MODIFY CONDITIONS OF
)	PRETRIAL RELEASE
ANNA UTU,)	
aka ANNA FOTU,)	
)	
Defendant.)	
)	

**ORDER GRANTING DEFENDANT ANNA UTU'S
MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE**

Defendant Anna Utu seeks leave to change her residence from a residential reentry center to a private home where she can live with her spouse, who is in the end stages of renal disease. This request seeks such leave only until April 16, 2019, which is the date when Utu must report to begin serving her prison sentence. This court grants the motion on the grounds that (1) the change is warranted by the circumstances, and (2) additional release conditions can adequately address any increased risks presented by this change.

With respect to the change being warranted, this court notes that, for the past few months, Utu has been complying with the requirements set by the residential reentry center. She has been permitted to leave the center to visit with and care for her wife, and she has dutifully returned to the residential reentry

center after each such visit. She has also been employed and has been doing well in that regard. She has completed her treatment with Action with Aloha and has not tested positive for drugs or alcohol. Given these circumstances and the seriousness of her wife's condition, this court deems it appropriate to let Utu spend her last week before beginning her prison sentence with her wife.

The court is cognizant of the Government's objections, but concludes that adding the following conditions addresses the Government's concerns:

- (7j) Maintain residence with/at: **Eseta Faafiti**.
- (7p2) Comply with the Location Monitoring program under the direction of Pretrial Services. The Court authorizes release under the HOME DETENTION restriction which restricts you to your residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities pre-approved by Pretrial Services. **This condition is effective upon the defendant's discharge from Mahoney Hale.**
- Other Condition: **The defendant's discharge from Mahoney Hale is delayed pending installation of the Location Monitoring (LM) Equipment in the residence by Pretrial Services. Pretrial Services has the discretion to discharge the defendant from Mahoney Hale once LM has been installed at the residence.**
- Other Condition: **The defendant is required to report to the Pretrial Services Office on April 16, 2019, at 9:30 a.m., prior to her surrender to the United States Marshals Services for the District of Hawaii on April 16, 2019, by 10:00 a.m.**

IT IS SO ORDERED.

DATED: Honolulu, Hawaii; April 8, 2019.



/s/ Susan Oki Mollway
Susan Oki Mollway
United States District Judge

United States of America v. Anna Utu, CR. NO. 18-00124 SOM, ORDER
GRANTING DEFENDANT ANNA UTU'S MOTION TO MODIFY
CONDITIONS OF PRETRIAL RELEASE