

SEALED
BY ORDER OF THE COURT

WARNING: **THIS DOCUMENT FILED UNDER SEAL**
PURSUANT TO CRIMINAL LOCAL RULE 5.2(a)

CLARE E. CONNORS #7936
United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII CC
Mar 24, 2023, 12:32 pm
Lucy H. Carrillo, Clerk of Court

KENNETH M. SORENSON
Assistant U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-2958
Email: ken.sorenson@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 22-00013 SOM
	)	
Plaintiff,	)	GOVERNMENT'S MOTION FOR A
	)	DOWNWARD DEPARTURE;
vs.	)	CERTIFICATE OF SERVICE
	)	
TY J.K. CULLEN,	)	<u>Sentencing Hearing:</u>
	)	Date: April 6, 2023
Defendant.	)	Time: 10:00 a.m.
	)	Judge: Hon. Susan Oki Mollway
	)	

GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE

The UNITED STATES Of AMERICA moves for a Downward Departure in the sentencing of Defendant TY J.K. CULLEN (hereafter, the “Defendant”), pursuant to United States Sentencing Guideline Section 5K1.1 and Title 18, United States Code, Section 3553(e).

This Motion is based on the timeliness of the Defendant's cooperation and the completeness and extent of his cooperation. Defendant has provided substantial assistance as follows:

1. Following his arrest on October 8, 2021, the defendant immediately became cooperative with Special Agents of the Federal Bureau of Investigation and the United States Attorney’s Office for the District of Hawaii. The investigative team at the time of defendant’s arrest had been involved in a lengthy investigation into public corruption allegations involving public officials in Hawaii, which continues to this day. After being arrested and being advised of his rights the defendant immediately elected to talk with agents, provide information about his conduct and that of others, including other public officials.

2. Because of defendant’s willingness to be cooperative the United States Attorney moved the Court to dismiss the pending criminal complaint and arrest warrant and the defendant became a cooperating asset of the FBI. On October 14, 2021, the defendant was interviewed by investigating agents and

provided substantial information concerning his activities, and those of others.

These activities included the acceptance of bribes and monetary rewards for the performance of official acts on behalf of special interests by both the defendant and other legislators.

3. As a part of his cooperation the defendant agreed to take part in proactive investigative techniques by making consensually recorded telephone calls. Additionally, the defendant agreed to record in-person meetings with investigative subjects of our public corruption investigation. On December 13, 2021, the defendant, at the request of the FBI, traveled to New Jersey for the purpose of conducting an in-person meeting with an investigative subject. During this meeting, which was monitored and recorded by the FBI, the defendant assisted in gathering information that was of assistance to our investigation.

4. On December 14, 2021, the defendant conducted a consensually monitored conversation with the same investigative subject and against assisted in gathering information that was of assistance to our investigation into public officials.

5. On January 18, 2022, the defendant met with the same investigative subject and at that time the subject, believing the defendant could assist him with an official request, paid the defendant \$3,000 in U.S. currency.

6. On January 20, 2022, the defendant met with the same subject of the investigation, along with an influential state legislator, and recorded a conversation that provided further helpful information to the investigative team. During the meeting the subject provided the state legislator with approximately \$35,000 in funds that were purportedly to be used in an existing campaign.

7. The defendant has provided substantial information concerning other possible acts of public corruption by public officials in Hawaii, and has agreed to continue his cooperation as our investigation continues. In sum, the defendant's cooperation has resulted in a chargeable bribery offense, and assisted in creating helpful leverage against other subjects as our covert investigation continues.

8. The presentence investigation report concludes that the Defendant is an offense level 21 and criminal history category I, which results in a guideline range of 37-46 months. Based upon the extent and nature of the Defendant's

//

//

//

//

//

//

cooperation and assistance to date, the government recommends a four (4) level downward departure to offense level 17 (24-30 months).

DATED: March 24, 2023, at Honolulu, Hawaii.

Respectfully submitted,

CLARE E. CONNORS
United States Attorney
District of Hawaii

/s/ Kenneth M. Sorenson

By _____
KENNETH M. SORENSON
Assistant U.S. Attorney