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DEPARTMENT OF THE PROSECUTING ATTORNEY

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IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

STATE OF HAWAII	)	CASE ID. 2CPC-26-0000230(3)
	)	<u>COUNT ONE:</u> TERRORISTIC
v.	)	THREATENING IN THE FIRST
	)	DEGREE
KIRILL BASIN,	)	<u>COUNT TWO:</u> TERRORISTIC
	)	THREATENING IN THE FIRST
	)	DEGREE
	)	
	)	CASE ID. 2CPC-26-0000240(4)
	)	<u>COUNT ONE:</u> ASSAULT IN THE
	)	SECOND DEGREE
	)	<u>COUNT TWO:</u> HARASSMENT
	)	<u>COUNT THREE:</u> HARASSMENT
	)	
	)	MEMORANDUM IN OPPOSITION TO
	)	DEFENDANT'S MOTION TO MODIFY
	)	BAIL CONDITIONS TO ALLOW
	)	DEFENDANT TO LEAVE
	)	JURISDICTION FOR IN-PATIENT
	)	TREATMENT; DECLARATION OF
	)	COUNSEL; CERTIFICATE OF
	)	SERVICE

) Hearing Date: 07/20/26
) Time: 8:30 a.m.
) Judge: Annalisa M.
) Bernard Lee

MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION
TO MODIFY BAIL CONDITIONS TO ALLOW DEFENDANT
TO LEAVE JURISDICTION FOR IN-PATIENT TREATMENT

The State of Hawai'i ("State"), through Deputy
Prosecuting Attorney JEFFREY M. K. OKA, hereby submits its
Memorandum in Opposition to Defendant's Motion to Modify Bail
Conditions to Allow Defendant to Leave Jurisdiction for In-
Patient Treatment, filed on July 14, 2026 ("Motion"). Dkt. 35.

I. RELEVANT STATEMENT OF FACTS AND PROCEDURE.

In case number 2CPC-26-0000230, on June 5, 2026, a
Maui Grand Jury indicted and charged Defendant Kirill Basin
(hereinafter, "Defendant") with two counts of Terroristic
Threatening in the First Degree, in violation of Hawaii Revised
Statutes Sections 707-716(1)(c) and (e). On June 5, 2026, and
upon the issuance of the Warrant of Arrest for Defendant,
Defendant's bail was set at \$250,050.00. On June 10, 2026,
Defendant was arrested and posted bond on July 2, 2026.

In case number 2CPC-26-0000230, on June 15, 2026,
Defendant was charged, via Felony Information, for Assault in
the Second Degree, and two counts of Harassment, in violation of
Hawaii Revised Statutes Sections 707-711(1)(f) and (j), and 711-
1106(1)(a) and (b), respectively. On June 15, 2026, and upon

the issuance of the Warrant of Arrest for Defendant, Defendant's bail was set at \$200,000.00. On June 19, 2026, Defendant was arrested and posted bond on July 2, 2026.

On July 14, 2026, Defendant filed the instant Motion.

II. ARGUMENT.

Hawaii Revised Statutes ("HRS") § 804-3 states in relevant part:

(a) For purposes of this section, "serious crime" means . . . a class A or B felony . . . and "bail" includes release on one's own recognizance, supervised release, and conditional release.

(b) Any person charged with a criminal offense shall be bailable by sufficient sureties; provided that bail may be denied where the charge is for a serious crime, and:

- (1) There is a serious risk that the person will flee;
- (2) There is a serious risk that the person will obstruct or attempt to obstruct justice, or therefore, injure, or intimidate, or attempt to thereafter, injure, or intimidate, a prospective witness or juror;
- 3) There is a serious risk that the person poses a danger to any person or the community; or
- (4) There is a serious risk that the person will engage in illegal activity.

(c) If, after a hearing the court finds that no condition or combination of conditions will reasonably assure the appearance of the person when required or the safety of any other person or community, bail may be denied.

Haw. Rev. Stat. § 804-3 (2021).

Not all of the (b)(1)-(b)(4) criteria must be met and the showing of only one will suffice.

Moreover, pursuant to HRS § 804-7.4, "General conditions of release on bail," any person released on bail, recognizance, supervised release or conditional release shall be released subject to the following conditions:

- (1) The person shall not commit a federal, state or local offense during the period of release;
- (2) The person shall appear for all court hearings unless notified by the person's attorney that the person's appearance is not required; and
- (3) The person shall remain in the State of Hawaii unless approval is obtained from a court of competent jurisdiction to leave the jurisdiction of the court.

Haw. Rev. Stat. § 804-7.4 (2021). See also, HRS § 804-7.1 (permitting the court to enter an order "[r]equiring the defendant to remain in the jurisdiction of the judicial circuit in which the charges are pending unless approval is obtained from the court of competent jurisdiction to leave the jurisdiction of the court").

It has long been established the government may detain an arrestee "to ensure his presence at trial," Bell v. Wolfish, 441 U.S. 520, 536, 99 S.Ct. 1861, 60 L.Ed.2d 447 (1979), and may impose some conditions, such as reasonable bail, before releasing him, see United States v. Salerno, 481 U.S. 739, 754,

107 S.Ct. 2095, 95 L.Ed.2d 697 (1987). Many pretrial detainees willingly consent to such conditions, preferring to give up some rights in order to sleep in their own beds while awaiting trial. United States v. Scott, 450 F.3d 863, 865-66 (9th Cir. 2006). While Defendant is well within his right to post bail in this case, he did so with the understanding he was not to leave the jurisdiction without leave of the court. See, Order Pertaining to Bail, Docket #13, Exhibit B. Here, by choosing to post bail, Defendant assumed the responsibility that comes along with it. There is good reason one of the three statutory conditions of release on bail is that the Defendant not leave the jurisdiction. The State of Hawai`i is the most physically isolated body of land on earth which poses extreme challenges to ensuring someone facing prosecution for three Class C felonies actually appears in court if he leaves the jurisdiction.<sup>1</sup> Defendant seeks to travel out of the State of Hawai`i from Maui to Arizona to enroll in residential in-patient treatment. Based on the forgoing factors, the State requests the Court deny Defendant's Motion to Modify Bail Conditions to Allow Defendant to Leave Jurisdiction for In-Patient Treatment.

¹ Each island, including the island of Maui, is surrounded by the Pacific Ocean. Further, it is approximately 2.864 miles from the Kahului, Maui Airport to the Phoenix-Mesa Gateway Airport.

A. No Condition or Combination of Conditions Will Reasonably Assure the Appearance of Defendant in Court When Required.

A bail bond was posted on the Defendant's behalf by 24HR Best Deal Bail Bonds Inc. in the sum of \$100,000. The giving of bail is usually acknowledged by Defendant and his sureties and conditioned upon Defendant appearing in a court of competent jurisdiction and abiding by all judgments of the court. HRS § 804-1. However, if the court were to allow Defendant to leave this jurisdiction to travel to Arizona, and Defendant makes the decision not to return to this jurisdiction, or to flee, it is highly unlikely that the bail bond company will be able to return Defendant to this jurisdiction. The State of Hawai'i will not only be saddled with the costs of having to extradite Defendant from an outside jurisdiction, but it will also then be forced to expend further time and resources of additional law enforcement officials, both within and outside of this State, to extradite the Defendant back to Maui.

Further, Defendant has treatment options here in Maui. Notably, Aloha House is an in-patient residential treatment program that would fulfill the same objectives mentioned in Defendant's Motion.

B. Defendant is a Serious Danger to the Community.

In case 2CPC-26-0000230, on May 29, 2026, Defendant approached a County of Maui employee Conklin Weight ("Wright")

at One Main Plaza, pulled out a tan and green colored handgun from his backpack, and made verbal threats about using the handgun on Wright. Further, two other County of Maui employees were also present, and both felt threatened for their lives due to Defendant's actions.

In case 2CPC-26-0000240, a little over a week later on June 9, 2026, Defendant was admitted to the Maui Memorial Medical Center Behavioral Health Unit for a mental health evaluation. For unknown reasons, Defendant became highly aggressive, agitated, and became uncooperative with nursing staff. Defendant then attempted to run out of the emergency room before being formally discharged. In response, nursing staff attempted to restrain Defendant. While being restrained, Defendant kicked one of the nurses in the inner right thigh area causing pain.

The State has serious concerns with Defendant being charged with two separate felony cases, both within a little over a one-week period, and the safety of the community. Defendant's threatening conduct with a handgun in broad day light towards employees in a public work building, then escalating to physical violence towards a medical professional shows that Defendant has a propensity for violence towards others.

C. There is a Serious Risk Defendant Will Flee.

Defendant is facing multiple felony charges, each of which he is facing five-years in prison. Moreover, if convicted, Defendant could be sentencing to consecutive prison time for a total of ten-years in prison. Given these outcomes, Defendant has absolutely nothing to lose from traveling thousands of miles away to Arizona and never resurfacing again. The State appreciates the safeguards Defendant is willing to take by signing a Waiver of Extradition prior to travel and forfeiting his passport. The reality is, however, that if Defendant is given permission to leave Hawai`i, Defendant may choose to never return.

Upon a cursory search of Monument Recovery in Mesa, Arizona, it appears that the property is not a closed facility. In other words, if Defendant chooses not to participate in treatment anymore, Defendant can just walk off the property with no issue. Once Defendant leaves treatment, he would be left to his own devices and be free to go wherever he wants with no oversight. And although Defendant would have forfeited his passport, travel by airplane, whether to another state or country, would not be impossible.

III. CONCLUSION.

For all the above reasons, Defendant's Motion should be denied.

DATED: Wailuku, Hawai`i, July 17, 2026.

Respectfully submitted,

STATE OF HAWAI`I

By /s/ Jeffrey M. K. Oka
JEFFREY M. K. OKA
Deputy Prosecuting Attorney
County of Maui

DECLARATION OF COUNSEL

I, JEFFREY M. K. OKA, hereby declare as follows:

1. That Declarant is currently assigned to prosecute the above-captioned matters;
2. That Declarant has reviewed the records and files in the above-captioned matter;
3. That the information provided in this document are true and accurate to the best of Declarant's knowledge and belief.

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: Wailuku, Hawai`i, July 17, 2026.

/s/ Jeffrey M. K. Oka
JEFFREY M. K. OKA
Deputy Prosecuting Attorney
County of Maui

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Memorandum in Opposition to Defendant's Motion to Modify Bail Conditions to Allow Defendant to Leave Jurisdiction for In-Patient Treatment and Declaration of Counsel will be duly served, upon BRANDON SEGAL, ESQ., Attorney for Defendant, by use of the Judiciary Electronic Filing and Service System on July 17, 2026.

/s/ Jeffrey M. K. Oka
JEFFREY M. K. OKA
Deputy Prosecuting Attorney
County of Maui