

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 09-00345 SOM
)	
Plaintiff,)	AFFIDAVIT OF THOMAS M. OTAKE
)	
v.)	
)	
MIKE MANKONE SOU, (02))	
)	
Defendant.)	
_____)	

AFFIDAVIT OF THOMAS M. OTAKE

I, Thomas M. Otake, being duly sworn, hereby depose and say:

1. I am the attorney for Defendant Mike Sou in the above captioned case.
2. This affidavit is made pursuant to 18 U.S.C. § 3144 and is given in support of Defendants Alec and Mike Sou's Joint Motion to Detain Material Witnesses.
3. Defendants Alec and Mike Sou have been charged in this case with one count of Forced Labor Conspiracy, five counts of Forced Labor, two counts of Document Servitude, one count of Visa Fraud Conspiracy, two counts of Harboring for Financial Gain, and one count of Obstructing or Impeding Official Proceeding.
4. These charges relate to an alleged forced labor scheme involving workers from Thailand who worked at Defendants Alec and Mike Sou's farm, Aloun Farms, from September 2004, through February 2005. The Thai workers entered the United States

through the H-2A farm worker visa program.

5. The indictment alleges multiple forms of mistreatment suffered by the Thai workers at the hands of Defendants Alec and Mike Sou. According to the indictment, amongst other forms of mistreatment, the Thai workers were allegedly housed in inadequate housing conditions, and their movement and freedom were restrained by Defendants Alec and Mike Sou. It is also alleged that the Thai workers had their passports confiscated, and were threatened with harm throughout their employment at Aloun Farms.

6. Two of the Thai workers who came to Hawaii to work at Aloun Farms, Mr. Thanakorn Mukdamuang, and Mr. Kuson Thasak, are expected to provide testimony at trial contrary to the allegations raised in the indictment. Mr. Mukdamuang, and Mr. Thasak came to Hawaii and worked at Aloun Farms with the Thai workers who have made the above-mentioned allegations. They thus have first-hand knowledge related to the treatment of the Thai workers at Aloun Farms during the time period in question. It is believed that they would testify that the Thai workers were not mistreated as alleged in the indictment. Therefore, Mr. Mukdamuang, and Mr. Thasak are critical and material witnesses for the defense in this case.

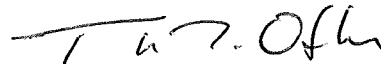
7. The Thai workers who have held themselves out to be victims in this case have been granted continued presence parole by the Government which has allowed them to remain in the United States of America even though their visas have expired. Mr.

Mukdamuang, and Mr. Thasak have not been granted continued presence parole.

8. Because neither Mr. Mukdamuang, nor Mr. Thasak have been granted continued presence parole, removal proceedings were initiated against them before the Immigration Court in Honolulu, Hawaii. On April 14, 2011, and April 20, 2011 respectively, Mr. Mukdamuang, and Mr. Thasak were both granted voluntary departure from the United States of America as an alternative to forced removal. They were both given 60 days to leave. Therefore, Mr. Mukdamuang must leave the United States of America before June 14, 2011, and Mr. Thasak must leave before June 20, 2011.

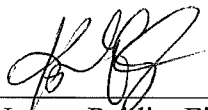
9. Trial in this case is scheduled to begin on July 29, 2011.

10. Once removed from the country, it will become impracticable to secure the presence at trial of Mr. Mukdamuang and Mr. Thasak by subpoena.



THOMAS M. OTAKE
ATTORNEY FOR MIKE SOU

Subscribed and sworn before me
On this 25 day of April, 2011.



Notary Public, First Judicial Circuit
State of Hawaii



My Commission expires: 9/26/2014

Doc. Date:	<u>4/25/2011</u>	# Pages:	<u>3</u>
Notary Name:	<u>Kristy Calzo</u>	Circuit	<u>Circuit</u>
Doc. Description:	<u>Affidavit of Thomas M. Otake</u>		
Notary Signature	<u>[Signature]</u>	Date	<u>4/25/11</u>
NOTARY CERTIFICATION			

