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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

STATE OF HAWAI`I, vs. JUAN BARON, Defendant.	CR NO 1CPC-22-0000461 MEMORANDUM OF LAW IN OPPOSITION TO MOTION TO SEAL HEARING ON MOTION TO WITHDRAW GUILTY PLEA; and CERTIFICATE OF SERVICE HEARING: Judge: Hon. Catherine H. Remigio Date: October 7, 2024 Time: 1:00 p.m.

MEMORANDUM OF LAW IN OPPOSITION TO MOTION TO SEAL HEARING ON MOTION TO WITHDRAW GUILTY PLEA

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Pursuant to the First Amendment to the U.S. Constitution and article 1, section 4 of the Hawai`i Constitution, non-party Public First Law Center (Public First) opposes the Motion to Seal Hearing on Motion to Withdraw Guilty Plea filed by Defendant Juan Baron (Defendant).

Defendant has not provided sufficient grounds to overcome the strong presumption of public access to criminal trials—including pretrial proceedings—guaranteed by the federal and state constitutions. Defendant argues that closure is necessary to protect attorney-client privileged communications, but fails to identify specific communications and the grounds supporting the claim of privilege for each communication. He vaguely argues that closure is necessary to disclose information related to his prior counsel's adherence to professional obligations of duty and loyalty, but offers no legal authority for that proposition. And, contrary to precedent and common sense, he argues that the public's presumed right of access to evidentiary hearings, including trials, does not exist because the witness exclusionary rule precludes witnesses from observing the proceedings.

For the reasons discussed below, Public First respectfully requests that the Court deny Defendant's motion to seal.

I. THE PUBLIC HAS A PRESUMED CONSTITUTIONAL RIGHT OF ACCESS TO CRIMINAL RECORDS AND PROCEEDINGS.

As Defendant acknowledges, the public has a constitutional right to access judicial proceedings and records, including criminal proceedings. *Grube v. Trader*, 142 Hawai`i 412, 422, 420 P.3d 343, 353 (2018); *accord Oahu Publc'ns, Inc. v. Ahn*, 133 Hawai`i 482, 507, 331 P.3d 460, 485 (2014). "[T]here is a strong presumption that court proceedings and the records thereof shall be open to the public." *Grube*, 142 Hawai`i at 428, 420 P.3d at 359. The right includes plea-related proceedings. *Oregonian Publ'g Co. v. U.S. Dist. Court*, 920 F.2d 1462, 1465-66 (9th Cir. 1990).[1]

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[1] Unsealed records from *Grube v. Trader* also concerned plea-related proceedings. *See State v. Masunaga*, No. 1PC151001338, Dkt. 59 (unsealed records concerning defendant's plea hearing). This Court may take judicial notice of court records. HRE 201; *e.g.*, *Uyeda*

The constitutional right of public access to judicial proceedings is among those rights that, "while not unambiguously enumerated in the very terms of the [First] Amendment, are nonetheless necessary to the enjoyment of other First Amendment rights." *Ahn*, 133 Hawai`i at 494, 331 P.3d at 472; *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 604 (1982). "A major purpose of that Amendment was to protect the free discussion of governmental affairs." *Globe Newspaper*, 457 U.S. at 604; *Ahn*, 133 Hawai`i at 502, 331 P.3d at 480; *accord Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 575 (1980) (plurality opinion) (the freedoms in the First Amendment "share a common core purpose of assuring freedom of communication on matters relating to the functioning of government"). Thus, to the extent that the constitution guarantees a qualified right of public access, "it is to ensure that this constitutionally protected 'discussion of governmental affairs' is an informed one." *Globe Newspaper*, 457 U.S. at 605; *Ahn*, 133 Hawai`i at 502, 331 P.3d at 480 ("access promotes informed discussion of governmental affairs by providing the public with a more complete understanding of the judicial system"); *Richmond Newspapers*, 448 U.S. at 587 (Brennan, J., concurring) ("Implicit in this structural role is not only the principle that debate on public issues should be uninhibited, robust, and wide-open, but also the antecedent assumption that valuable public debate—as well as other civic behavior—must be informed.").

"By offering such protection, the First Amendment serves to ensure that the individual citizen can effectively participate in and contribute to our republican system of self-government." *Globe Newspaper*, 457 U.S. at 604. "[T]he public has an intense need and a deserved right to know about the administration of justice in general; about the prosecution of local crimes in particular; about the conduct of the judge, the prosecutor, defense counsel, police officers, other public servants, and all the actors in the judicial arena; and about the trial itself." *Richmond Newspapers*, 448 U.S. at 604 (Blackmun, J., concurring). "[Openness] gave assurance that the proceedings were conducted fairly to all concerned, and it discouraged perjury, the misconduct of

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v. Shermer, 144 Hawai`i 163, 172, 439 P.3d 115, 124 (2019) ("The most frequent use of judicial notice of ascertainable facts is in noticing the contents of court records.").

participants, and decisions based on secret bias or partiality." *Id*. at 569 (plurality); *Ahn*, 133 Hawai`i at 494, 331 P.3d at 472; *accord Press-Enter. Co. v. Superior Ct.*, 464 U.S. 501, 508 (1984) [*Press-Enter. I*] ("[T]he sure knowledge that *anyone* is free to attend gives assurance that established procedures are being followed and that deviations will become known.").

"The presumption of access to judicial proceedings flows from an 'unbroken, uncontradicted history' rooted in the common law notion that 'justice must satisfy the appearance of justice.'" *Courthouse News Serv.*, 947 F.3d at 589; *Ahn*, 133 Hawai`i at 494-95, 331 P.3d at 472-73 ("Open courts are a fundamental component of our system of law."). "A result considered untoward may undermine public confidence, and where the trial has been concealed from public view an unexpected outcome can cause a reaction that the system at best has failed and at worst has been corrupted." *Richmond Newspapers*, 448 U.S. at 571 (plurality); *Press-Enter. I*, 464 U.S. at 508 ("Openness thus enhances both the basic fairness of the criminal trial and the appearance of fairness so essential to public confidence in the system."). "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing." *Richmond Newspapers*, 448 U.S. at 572 (plurality).

To preserve the societal values reflected in the First Amendment, the U.S. Supreme Court held that closed proceedings, although not absolutely precluded, "must be rare and only for cause shown that outweighs the value of openness." *Press-Enter. I*, 464 U.S. at 509. "The presumption of openness may be overcome only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest." *Id.* at 510; *Grube*, 142 Hawai`i at 424, 420 P.3d at 355; *Ahn*, 133 Hawai`i at 498, 331 P.3d at 476.

II. LEGAL STANDARDS

The proponent of sealing has the burden to overcome the presumption of access. *Oregonian Publ'g*, 920 F.2d at 1467. To justify sealing, the Hawai`i Supreme Court has proscribed specific substantive requirements. The court must consider in its findings whether: "(1) the closure serves a compelling interest; (2) there is a substantial probability that, in the absence of closure, this compelling interest would be harmed;

and (3) there are no alternatives to closure that would adequately protect the compelling interest." *Grube*, 142 Hawai`i at 424, 420 P.3d at 355.

"To qualify as compelling, the interest must be of such gravity as to overcome the strong presumption in favor of openness. . . . [T]he asserted interest must be of such consequence as to outweigh both the right of access of individual members of the public and the general benefits to public administration afforded by open trials." *Grube*, 142 Hawai`i 425-26, 420 P.3d at 356-57. If a compelling interest exists, "a court must find that disclosure is sufficiently likely to result in irreparable damage to the identified compelling interest." *Ahn*, 133 Hawai`i at 507, 331 P.3d at 485. "It is not enough that damage could possibly result from disclosure, nor even that there is a 'reasonable likelihood' that the compelling interest will be impeded; there must be a 'substantial probability' that disclosure will harm the asserted interest." *Grube*, 142 Hawai`i at 426, 420 P.3d at 357. The harm "must be <u>irreparable</u> in nature." *Id.*

To justify sealing, this Court must make "specific findings" regarding each element of the substantive standards established by the Hawai`i Supreme Court. *Ahn*, 133 Hawai`i at 507; 331 P.3d at 485; *Grube*, 142 Hawai`i at 424-25, 420 P.3d at 355-56. In rejecting a trial court's bare reference to a generic concern in *Grube*, the Hawai`i Supreme Court emphasized the need for facts and evidence.

> The trial court <u>may not rely on generalized concerns</u>, but must indicate facts demonstrating compelling interest justifying the continued sealing of the documents. Additionally, the court must <u>specifically explain</u> the necessary connection between unsealing the transcript and the infliction of irreparable damage resulting to the compelling interest.

Grube, 142 Hawai`i at 424-25, 420 P.3d at 355-56; *accord Roy v. GEICO*, 152 Hawai`i 225, 342, 524 P.3d 1249, 1267 (App. 2023) (rejecting "[c]onclusory claims" as a basis for sealing). "In the absence of such details, there is nothing by which the court could have determined that the asserted interest was of sufficient gravity to displace the strong presumption in favor of openness." *Grube*, 142 Hawai`i at 426, 420 P.3d at 357.

III. THERE IS NO EVIDENCE OF COMPELLING INTEREST SUFFICIENT TO SEAL THE HEARING

None of the grounds asserted by Defendant meet the constitutional standard for sealing the entire hearing on Defendant's motion to withdraw guilty plea.

Defendant first argues the hearing should be closed because "attorney-client communications will be disclosed and revealed during the hearing on the motion to withdraw guilty plea." Dkt. 225 at 7.[2]

As a threshold, there is no basis to exclude the public if the prosecutor is not also excluded from Defendant's disclosure of privileged communications at the hearing. Voluntary disclosure to opposing counsel waives the privilege. *See* Hawai`i Rules of Evidence (HRE) Rule 511 ("A person upon whom these rules confer a privilege against disclosure waives the privilege if, while holder of the privilege, the person or the person's predecessor voluntarily discloses or consents to disclosure of any significant part of the privileged matter."); *e.g.*, *Weil v. Inv./Indicators, Research & Mgmt., Inc.*, 647 F.2d 18, 25 (9th Cir. 1981) (disclosure to opposing counsel waived attorney-client privilege as to matter disclosed).

The attorney client privilege only protects communications between attorney and client, and their respective representatives, for the purpose of facilitating the rendition of professional legal services. HRE Rule 503(b) (privilege applies to attorney-client communications); *Office of Hawaiian Affairs v. Kondo*, 153 Hawai`i 170, 179, 528 P.3d 243, 252 (2023) ("A client may invoke that privilege to prevent disclosure of confidential communications made for the purpose of facilitating the rendition of professional legal services . . . ."); *Save Sunset Beach Coal. v. City & Cty. of Honolulu*, 102 Hawai`i 465, 484-85, 78 P.3d 1, 20-21 (2003) ("To come within the attorney-client privilege, the communication must be a 'confidential communication made for the purpose of facilitating the rendition of professional legal services' between appropriate parties as stated in HRE Rule 503(b).").

[2] Pinpoint citations reference the page of the corresponding PDF.

Defendant identifies eight "areas" that "will be implicated by privileged attorney-client communications." Dkt. 225 at 7-8 (asserting privilege over, inter alia, Defendant's statements made to police detectives, his understanding of largely unspecified statements from unidentified speakers, and his feelings about the plea process). Such vague and conclusory claims of privilege are insufficient to invoke the privilege.

Defendant has the burden to identify *specific communications* and the grounds supporting the claim of privilege for each communication. "An *ipse dixit* claim of privilege is insufficient. Proper practice requires preliminary judicial inquiry into the existence and validity of the privilege and the burden of establishing the privilege rests on the claimant." *Sapp v. Wong*, 62 Haw. 34, 38, 609 P.2d 137, 140 (1980); *Di Cenzo v. Izawa*, 68 Haw. 528, 536, 723 P.2d 171, 176 (1986) (party claiming privilege has the burden of establishing that the privilege exists and that it applies as asserted); *Anastasi v. Fid. Nat. Title Ins. Co.* (*Anastasi I*), 134 Hawai`i 400, 418, 341 P.3d 1200, 1218 (App. 2014) (same); *Roy*, 152 Hawai`i at 235, 524 P.3d at 1259 (same); *see also United States v. Martin*, 278 F.3d 988, 1000 (9th Cir. 2002) (construing analogous federal law: "A party claiming the privilege must identify specific communications and the grounds supporting the privilege as to each piece of evidence over which privilege is asserted. Blanket assertions are 'extremely disfavored.'" (citations omitted)).

Defendant has not met this burden. No specific communications have been identified. Several "areas" Defendant asserts "implicate" the privilege do not appear to concern a communication with his attorney—like the transcript of a police interview. Defendant has not established that any of the unspecified communications were made for purposes of facilitating the rendition of professional legal services. He must also—and does not—establish that such communications were confidential. *E.g.*, *State v. Soto*, 84 Hawai`i 229, 239-41, 933 P.2d 66, 76-78 (1997) (communications between a criminal defendant and her counsel knowingly conducted in a public place in the presence of a confidential informant who was not a member of the defense team were not protected by the attorney-client privilege because they were not "confidential").

Moreover, to the extent Defendant argues his prior counsel breached a duty owed to Defendant by his prior counsel, communications relevant to that claim are *not* privileged. HRE Rule 503(d)(4) ("There is no privilege under this rule. . . As to a communication relevant to an issue of breach of duty by the lawyer to the client or by the client to the lawyer"); *Blair v. Ing*, 95 Hawai`i 247, 263, 21 P.3d 452, 468 (2001) ("We acknowledge that an underlying principle in the attorney-client relationship is that the attorney must maintain confidentiality of information relating to the representation, thereby encouraging full and frank communication[.] However, the attorney-client privilege is qualified and does not extend to a communication regarding whether an attorney has breached his or her duty to the client."); *see also Sapp*, 62 Haw. at 38, 609 P.2d at 140 ("because the privilege works to suppress otherwise relevant evidence, the limitations which restrict the scope of its operation . . . must be assiduously heeded"); *accord Weil*, 647 F.2d at 24 ("Because it impedes full and free discovery of the truth, the attorney-client privilege is strictly construed.").

Defendant next argues the "second compelling interest identified by Mr. Baron herein are his rights to attorney-client loyalty and confidentiality." Dkt. 225 at 8. Although Defendant admits the duty of loyalty and confidentiality is "distinguishable" from the attorney-client privilege, he offers zero authority to suggest that an attorney's *professional obligation* amounts to a legal privilege sufficient to overcome the strong presumption of public access to court proceedings. *Id.*; *see also* Hawai`i Rules of Professional Conduct (HRPC) Rules 1.6 – 1.10 (imposing professional obligation of confidentiality and loyalty).

Defendant further argues the hearing should be closed due to "the witness exclusionary rule."[3] Dkt. 225 at 8. Defendant asserts that prosecutors intend to disclose the transcript of a police interview with Defendant that contains "critical and sensitive

[3] HRE Rule 615 provides: "At the request of a party the court shall order witnesses excluded so that they cannot hear the testimony of other witnesses, and it may make the order of its own motion. This rule does not authorize exclusion of (1) a party who is a natural person, or (2) an officer or employee of a party which is not a natural person designated as its representative by its attorney, or (3) a person whose presence is shown by a party to be essential to the presentation of the party's cause."

information," and such disclosure "will impact and have a deleterious effect on the witness exclusionary rule as *the public includes all of the potential witnesses* in this case."[4] *Id*. at 9 (emphasis added). Defendant's view of the rule is far too broad.

The witness exclusionary rule only concerns a witness's access to testimony of others in a proceeding in which the witness will testify.[5] Defendant has not bothered to identify any actual witnesses for which exclusion is warranted. *State v. Moriwaki*, 71 Haw. 347, 353, 791 P.2d 392, 395 (1990) (questioning whether exclusion rule violated when individual was not identified as witness when he observed trial testimony). It is not apparent from the docket that Defendant has moved to invoke Rule 615. *Harkins v. Ikeda*, 57 Haw. 378, 383-84, 557 P.2d 788, 792 (1976) (violation of exclusion rule required evidence of whether access to testimony occurred "before or after the rule had been invoked"). And Defendant has not articulated how the testimony that would be offered at the motion to withdraw would be "relevant and material" to the testimony of an excluded witness. *State v. Sequin*, 73 Haw. 331, 339-40, 832 P.2d 269, 274 (1992) (during trial, presence of individual later identified as witness did not violate Rule 615 because "[w]hile he was there he did not observe or hear anything which would be relevant or material to the testimony he would later have given"). Nor has he provided authority to suggest the rule may be used to exclude *the public*.

In any event, the witness exclusionary rule is simply not a compelling reason to exclude *the public* from a criminal pretrial hearing. There is no question that the constitutional right of access extends to evidentiary proceedings in which witnesses may be excluded under Rule 615. *E.g.*, *Richmond Newspapers*, 448 U.S. at 580 (plurality) (the "right to attend criminal trials is implicit in the guarantees of the First Amendment"); *Press-Enter. Co. v. Superior Ct.*, 478 U.S. 1, 12-13 (1986) [*Press-Enter. II*]

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[4] The public record already contains liberal references and quotations from the interview transcript. Dkt. 219 at 19-23, ¶ 39-40.

[5] "The purpose of the order excluding a witness from a courtroom is to prevent him from listening to testimony of other witnesses and then 'shaping' or fabricating his testimony accordingly. It would appear that this may not be a very sound reason because there are other ways in which testimony may be 'shaped' or fabricated." *State v. Leong*, 51 Haw. 581, 583, 465 P.2d 560, 562 (1970) (citation omitted).

(constitutional right of access attaches to preliminary criminal proceedings); *see United States v. McVeigh*, 106 F.3d 325, 335-36 (10th Cir. 1997) (rejecting excluded witnesses' claim of a First Amendment violation: "A broad survey of public trial-access case law, and review of the particular authorities relied on by the excluded witnesses here, confirm that pertinent constitutional proscriptions are implicated only when, through orders closing proceedings, sealing documents, gagging participants and/or restricting press coverage, a trial court has deprived the public at large direct or indirect access to the trial process. The witness-sequestration order entered in this case has no such effect; members of the public will attend the trial and the press will report on the proceedings to the public generally."). If Defendant's claim held water, it would gut the strong presumption of public access.

As a more narrowly tailored alternative to closure, Defendant can simply identify any potential witnesses present at the hearing for which exclusion is appropriate and request exclusion of the witnesses pursuant to HRE Rule 615.

IV. THERE IS NO EVIDENCE OF HARM TO A COMPELLING INTEREST

Even assuming Defendant presented a compelling interest that is "of such consequence as to outweigh both the right of access of individual members of the public and the general benefits to public administration afforded by open trials," *Grube*, 142 Hawai`i 425-26, 420 P.3d at 356-57—he has not—"a court must find that disclosure is sufficiently likely to result in irreparable damage to the identified compelling interest." *Ahn*, 133 Hawai`i at 507, 331 P.3d at 485.

Grube held as insufficient the trial court's conclusory finding that public disclosure of the subject hearing would have a substantial and adverse impact on an ongoing criminal investigation. *Id*. at 427, 420 P.3d at 358. "This bare recitation of the legal standard is not adequately specific to support that harm to the State's asserted interest would be the substantially likely outcome if the sealed documents were disclosed." *Id*. Lacking were "specific details" demonstrating that irreparable harm to the compelling interest (protection of ongoing investigations) was substantially probable. *Id*.

Here, Defendant provides no evidence for the court to make specific and detailed findings to support a conclusion that irreparable harm to the asserted compelling interests is substantially probable. Dkt. 225, passim.

V. FAIR TRIAL CONCERNS DO NOT JUSTIFY CLOSING THE COURTROOM

To the extent Defendant is actually arguing that his right to a fair trial will be impaired by an open hearing on this matter, that is likewise insufficient to justify complete closure. *Gannett Pac. Corp. v. Richardson*, 59 Haw. 224, 233, 580 P.2d 49, 56 (1978) ("pretrial publicity, even if pervasive and concentrated, cannot be regarded as leading automatically and in every kind of criminal case to an unfair trial"); *Press-Enter. II*, 478 U.S. at 15 ("right of access cannot be overcome by the conclusory assertion that publicity might deprive the defendant of [the right to a fair trial]"); *Neb. Press Ass'n v. Stuart*, 427 U.S. 539, 554 (1976) ("Taken together, these cases demonstrate that pretrial publicity even pervasive, adverse publicity does not inevitably lead to an unfair trial."); *United States v. Guerrero*, 693 F.3d 990, 1002 (9th Cir. 2012) ("We have made clear that 'pervasive publicity, without more, does not automatically result in an unfair trial.'"); *United States v. Brooklier*, 685 F.2d 1162, 1169 (9th Cir. 1982) (generalized concerns about "problems of publicity" insufficient to claim prejudice to right to fair trial); *Associated Press v. U.S. Dist. Ct.*, 705 F.2d 1143, 1146 (9th Cir. 1983) (publicity concerns can be resolved by voir dire and clear jury instructions to ensure fair trial).

The Hawai`i Supreme Court has addressed the intersection of public disclosure of information and the constitutional right to a fair trial twice in the context of judicial proceedings and records. *Ahn*; *Gannett Pac. Corp.*; *see also Breiner v. Takao*, 73 Haw. 499, 835 P.2d 637 (1992) (per curiam) (vacating gag order premised on right to fair trial).

Ahn concerned mid-trial disclosure of information regarding potential juror misconduct during the first trial of U.S. State Department Special Agent Christopher Deedy for the shooting death of Kollin Elderts. The case involved "[c]onsiderable public attention and media coverage." *Ahn*, 133 Hawai`i at 486, 331 P.3d at 464. The trial court sealed several proceedings and related transcripts, concluding that in order to preserve a juror's privacy and security and the integrity of a fair and impartial jury decision based solely upon the trial evidence and the law provided by the Court, and to

protect the right of both parties to a fair trial and verdict, public access would not play a significant positive role in the functioning of this process. *Id.* at 489, 331 P.3d at 467. Such "generalized statements of policy," however, are not adequate alone. *Id.* at 506, 331 P.3d at 484. The Hawai`i Supreme Court explained that "[w]hile these reasons are indisputable in the generic sense, they do not as stated provide sufficient justification for a closure of a court proceeding." *Id.* at 505, 331 P.3d at 483. Instead, the Hawai`i Supreme Court required specific facts demonstrating that "first, there is a substantial probability that the defendant's right to a fair trial will be prejudiced by publicity that closure would prevent and, second, reasonable alternatives to closure cannot adequately protect the defendant's fair trial rights." *Id.*

In *Gannett Pacific Corp.*, the court also required specific facts to demonstrate "a substantial likelihood that [disclosure] would interfere with the defendant's right to a fair trial by an impartial jury," which would include consideration of: "the nature of the evidence sought to be presented; the probability of such information reaching potential jurors; the likely prejudicial impact of this information upon prospective veniremen; and the availability and efficacy of alternative means to neutralize the effect of such disclosures." *Gannett Pac. Corp.*, 59 Haw. at 233-34, 580 P.2d 56-57 (footnotes omitted); *accord Patton v. Yount*, 467 U.S. 1025, 1034 (1984) ("That time soothes and erases is a perfectly natural phenomenon, familiar to all."); *Murphy v. Florida*, 421 U.S. 794, 802 (1975) (no infringement of right to fair trial from pretrial publicity that occurred seven months before jury selection). The Hawai`i Supreme Court expressly recognized as viable alternatives to nondisclosure: "voir dire at trial"; "the exercise of peremptory and challenges for cause"; "clear and express admonitions to the jury once selected"; "trial continuances until community passions subside"; and "such other alternative means as may be available to the defendant and to the court at trial" (*e.g.*, change of venue). *Gannett Pac. Corp.*, 59 Haw. at 234, 580 P.2d at 57; *accord Breiner*, 73 Haw. at 506, 835 P.2d at 641 (noting consideration of alternatives such as "voir dire, jury instructions, jury sequestration or change of venue or postponement").

Here, Defendant does not provide any facts or explanation as to how a public hearing would jeopardize the right to a fair trial. Nor has he addressed the available

means of neutralizing any effects of pretrial publicity. With a population of over 1,000,000, the City and County of Honolulu can seat an impartial jury through adequate precautions, notwithstanding pretrial publicity. Numerous cases with a much higher profile have proceeded without difficulty using other precautions.

CONCLUSION

Based on the foregoing, Public First respectfully requests that that the Court deny the Defendant's motion to seal.

DATED: Honolulu, Hawai`i, October 4, 2024

/s/ Benjamin M. Creps
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

STATE OF HAWAI`I, vs. JUAN BARON, Defendant.	CR NO 1CPC-22-0000461 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I certify that, on the date set forth below, I caused service of the foregoing Memorandum of Law to be made on all parties by electronic filing.

DATED: Honolulu, Hawai`i, October 4, 2024

/s/ Benjamin M. Creps
BENJAMIN M. CREPS