



NEWS RELEASE

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Contact:
Dave Kennedy
Honolulu Star-Advertiser
(808) 529-4818

David Lato
Communications Pacific
(808) 543-3581
dlato@commpac.com

HAWAII SUPREME COURT ISSUES LANDMARK RULING ON NEWS MEDIA AND PUBLIC ACCESS TO CRIMINAL TRIALS

***High Court Rebukes Judge Who Held Secret Sessions During Trial of
U.S. State Department Special Agent Accused of Murder in Honolulu***

HONOLULU – In a ruling that media attorneys say is one of the strongest endorsements in the country regarding the right of the news media and the public to have access to criminal trial proceedings, the Hawaii Supreme Court sided with Hawaii’s only statewide daily newspaper – the Honolulu Star-Advertiser – and Hawaii News Now (a CBS and NBC affiliate) and rebuked a Circuit Court judge who held closed on-the-record hearings with attorneys in one of Hawaii’s highest-profile trials.

The ruling goes back to August 2013 when U.S. State Department Special Agent Christopher Deedy was on trial in Hawaii Circuit Court charged with the murder of a Hawaii resident during an early morning altercation in a Waikiki restaurant. Deedy was in Honolulu helping provide security for the Asia-Pacific Economic Cooperation summit in November 2011 when he shot 23-year-old Kollin Elderts to death in what he claims was self defense.

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During jury deliberations, one of the jurors told Judge Karen Ahn he saw another juror shaking hands in a court hallway with either a Deedy or Elderts family member. Ahn held five closed-door hearings on possible jury misconduct, refused to dismiss the juror and then sealed the transcripts of those proceedings. Shortly after those hearings, a mistrial was declared because the jury could not reach a verdict.

On Wednesday, July 16, the high court not only ruled in the news organizations' favor but reaffirmed Hawaii's long-standing commitment to open trials, referring back to the days following the overthrow of the Hawaiian monarchy and the 1895 treason trial of deposed Queen Liliuokalani, "which was crowded with curious spectators."

"In keeping with our firmly embedded policy of open trials," the Supreme Court ruled, "the Circuit Court, and all Hawaii courts conducting criminal proceedings involving adult defendants, are directed to refrain from closing trial proceedings that are presumptively open to the public."

The ruling was applauded by the Hawaii news media, the attorney representing the Honolulu Star-Advertiser and Hawaii News Now and public access watchdog groups.

"We hope the positive and historic outcome of this case will encourage news organizations and public watchdog groups across the country to step up and challenge any branch of government, including the courts, when the public's right to know is being infringed," said Dennis Francis, Honolulu Star-Advertiser publisher.

Honolulu attorney Jeffrey Portnoy, who represented the Honolulu Star-Advertiser and Hawaii News Now, said the ruling should have an impact far beyond the shores of Hawaii.

"This case is as ringing an endorsement of the right of the media and the public to attend criminal trials as any case that I've seen in the country," Portnoy said. "It's pretty amazing."

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Francis said it was important for the Honolulu Star-Advertiser and Hawaii News Now to challenge Ahn after she closed the courtroom and then for them to go on to the Supreme Court. “The news media, the Fourth Estate, has a duty to challenge the courts when public trials go dark and the public’s right to know is taken away,” he said.

The Supreme’s Court ruling came down a week after Deedy, with new defense attorneys, began his retrial in Honolulu.

The Honolulu Star-Advertiser is Oahu’s leading provider of in-depth, consistent and credible local news and information. It has an average weekly readership of 537,105, or 72 percent of Oahu adults, according to Scarborough Research. Its website, staradvertiser.com, receives more than 18 million monthly page views worldwide as measured by Google Analytics and is “Liked” by 315,000 Facebook users, ranking sixth in the nation among daily newspapers. The Honolulu Star-Advertiser is the flagship publication of Oahu Publications, Inc., whose portfolio includes MidWeek, the Hawaii Army Weekly, Hawaii Marine, Ho’okele Weekly, HILuxury, and a growing roster of community periodicals and in-room resort magazines.

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