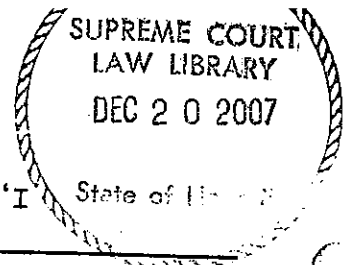


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no.26

Amended 2/10/09



IN THE SUPREME COURT OF THE STATE OF HAWAI'I State of Hawaii

In the Matter of the
COURTS OF THE THIRD CIRCUIT
OF
THE STATE OF HAWAI'I

CLERK OF THE SUPREME COURT
STATE OF HAWAII

2007 DEC 17 AM 9:42

FILED

NON-CONSENSUAL VIDEO CONFERENCE PILOT PROJECT
IN THE COURTS OF THE THIRD CIRCUIT
(By: Moon, CJ; Levinson, Nakayama, Acoba, and Duffy, JJ.)

Effective January 1, 2008 and continuing through December 31, 2008, there is established in the District, Circuit, and Family Courts of the Third Circuit a non-consensual video conference pilot project. In accordance herewith, and notwithstanding the provisions of Rule 43 of the Hawai'i Rules of Penal Procedure or other court procedural rules,

IT IS HEREBY ORDERED that any District, Circuit, or Family Court of the Third Circuit may conduct any arraignment, non-evidentiary pre-trial proceeding, or non-evidentiary post-conviction proceeding by video conference if the court determines and finds upon the record that no party will be deprived of any substantial right.

IT IS FURTHER ORDERED that, within 30 days after December 31, 2008, the Chief Judge and the Chief Court Administrator of the Third Circuit shall submit for this court's

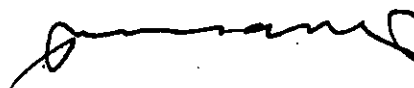
consideration a report about the pilot project. The report shall include, but need not be limited to, the number and types of matters heard by video conference during the term of the pilot project, the number and types of challenges and objections to video conference hearings, and the monetary and other resource savings, if any, that resulted from such video conference hearings. To the extent that information is available, the report shall include monetary and resource savings to parties and affected state or county agencies, including the Office of the Prosecuting Attorney, the Department of Public Safety, the Hawai'i Police Department, the Office of the Public Defender, and any other entity for which information is available.

DATED: Honolulu, Hawai'i, December 17, 2007.



Steven Wilkinson

Anna C. Nakayama



James C. Duff, Jr.