

**Electronically Filed
Supreme Court
SCWC-16-0000684
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SCWC-16-0000684

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

STATE OF HAWAI‘I, Respondent/Plaintiff-Appellee,

vs.

ANTONIO GANITANO, Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-16-0000684; CR. NO. 15-1-1721)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Petitioner/Defendant-Appellant Antonio Ganitano’s (“Ganitano”) application for writ of certiorari (“application”) filed on July 25, 2018, is hereby rejected.

Furthermore, upon consideration of Ganitano’s application and the records and files in this matter, it appears that Volume I of the record on appeal in this case, as well as the transcript in docket 88 under the Intermediate Court of Appeals (“ICA”) case number CAAP-16-0000684, contain personal information under Hawai‘i Court Records Rules (“HCRR”) Rule 2.19 (2012) (i.e., names of minor children), in violation of HCRR Rule 9.1(a) (2012). The appellate clerk shall seal Volume I of the record on appeal and the transcript in ICA docket 88.

Any individual may file, within 10 days of the entry of this order, a motion objecting to the sealing of Volume I of the record on appeal and/or the aforementioned transcript.

IT IS HEREBY ORDERED THAT:

(1) Pursuant to Oahu Publications Inc. v. Takase, 139 Hawai'i 236, 247-48, 386 P.3d 873, 884-85 (2016), the parties shall forthwith identify which, if any, documents the party filed with the Circuit Court of the First Circuit ("circuit court") in CR. NO. 15-1-1721 do not comply with HCRR Rule 9.1(a). In the circuit court, the party responsible for the filing of the non-compliant document shall then move to seal the document, and concurrently file a redacted version of the document, no later than thirty (30) days from the date of this order. See 139 Hawai'i at 247 & n.16, 386 P.3d at 884 & n.16.

(2) Further, Respondent/Plaintiff-Appellee State of Hawai'i ("State") shall identify which, if any, documents filed by the circuit court do not comply with HCRR Rule 9.1(a). In the circuit court, the State shall then move to seal the document, and concurrently file a redacted version of the document, no later than thirty (30) days from the date of this order. See id.

(3) Within ten (10) days after the redacted circuit court documents are filed, the circuit court shall file an amended record on appeal that conforms to HCRR Rule 2.19.

(4) Within thirty (30) days from the date of this order, Petitioner/Defendant-Appellant shall redact all personal information and file a further redacted copy of the transcript in CAAP-16-0000684 docket 88 under docket code "OT." Petitioner/Defendant-Appellant shall indicate in the "Notes" section that the filing is in compliance with this order, is a

redacted copy of the transcript, and include the transcript date.

(5) Within five (5) days after the redacted transcript is filed, the appellate clerk shall change the docket code from "OT" to "TRANS," but retain the information in the "Notes" section added by Petitioner/Defendant-Appellant.

DATED: Honolulu, Hawai'i, September 4, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

