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SCRU-11-0000083

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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In the Matter of the

HAWAI‘I RULES OF PENAL PROCEDURE

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ORDER AMENDING RULE 11 OF THE HAWAI‘I RULES OF PENAL PROCEDURE  
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that Rule 11 of the Hawai‘i Rules of Penal Procedure is amended, effective July 1, 2014, as follows (deleted material is bracketed and stricken; new material is underscored) :

**Rule 11. PLEAS.**

**(a) Alternatives.**

(1) IN GENERAL. A defendant may plead not guilty, guilty or [~~noto contendere~~] no contest. If a defendant refuses to plead or if the court refuses to accept a plea of guilty or [~~noto contendere~~] no contest or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

(2) CONDITIONAL PLEAS. With the approval of the court and the consent of the State, a defendant may enter a conditional plea of guilty or [~~noto contendere~~] no contest, reserving in writing the right, on appeal from the judgment, to seek review of the adverse determination of any specific pretrial motion. A defendant who prevails on appeal shall be allowed to withdraw the plea.

**(b) [~~Noto contendere~~] No contest.** A defendant may plead [~~noto contendere~~] no contest only with the consent of the court. Such a plea shall be

accepted by the court only after due consideration of the views of the parties and the interest of the public in the effective administration of justice.

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DATED: Honolulu, Hawai'i, June 24, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

