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ROBERT BRIAN BLACK 7659  
BENJAMIN M. CREPS 9959  
Public First Law Center  
700 Bishop Street, Suite 1701  
Honolulu, Hawai'i 96813  
brian@publicfirstlaw.org  
ben@publicfirstlaw.org  
Telephone: (808) 531-4000  
Facsimile: (808) 380-3580

*Attorneys for Movant Public First Law Center*

IN THE DISTRICT COURT OF THE FIRST CIRCUIT  
KANEHOHE DIVISION, STATE OF HAWAII

STATE OF HAWAII,

vs.

JAMES M. BOTELHO,

Defendant.

1DTA-25-00071

REPLY MEMORANDUM IN SUPPORT  
OF MOTION TO UNSEAL COURT  
RECORDS

INITIAL HEARING

JUDGE: Hon. Alvin K. Nishimura

DATE: December 10, 2025

TIME: 9:30 a.m.

CONTINUED HEARING

JUDGE: Hon. Alvin K. Nishimura

DATE: January 27, 2026

TIME: 9:30 a.m.

TRIAL DATE: December 10, 2025

NOTICE OF ELECTRONIC FILING  
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## REPLY MEMORANDUM IN SUPPORT OF MOTION TO UNSEAL COURT RECORDS

Public First Law Center (Public First) is a nonprofit dedicated to open government in Hawai`i.

On November 18, 2025, Public First moved to unseal docket entries numbered 255 and 256, pursuant to the constitutional right of access provided by the First Amendment to the U.S. Constitution and article I, section 4 of the Hawai`i Constitution. See Dkt. 268.

The motion to unseal was heard December 10, 2025, the Honorable Alvin K. Nishimura presiding. At the hearing, counsel for Defendant indicated Defendant supported the motion to unseal. The Court continued the hearing to January 27, 2026 to allow further briefing and argument, and set a January 13, 2026 deadline for filing oppositions, if any, and a January 20, 2026 deadline for Public First to file a reply.

**To date, no oppositions have been filed.**

As briefed, a stipulated protective order is alone not sufficient grounds to seal a judicial record. Dkt. 268 at 4. The constitutional "compelling interest" standard is much higher than the "good cause" standard for protective orders under applicable rules of procedure. *Id.*

Additionally, the proponent of sealing must provide specific *facts* and the court must make specific *findings* to meet the constitutional standard. *Id.* at 3-4. Conclusory assertions and argument of counsel are insufficient. *Id.*

Accordingly, Public First respectfully requests that this Court fully unseal docket entries 255 and 256.

DATED: Honolulu, Hawai`i; January 20, 2020

/s/ Benjamin M. Creps  
ROBERT BRIAN BLACK  
BENJAMIN M. CREPS  
*Attorneys for Movant*  
*Public First Law Center*