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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

vs.

GERHARDT KONIG,

Defendant

CASE NO. 1CPC-25-0000373

ATTEMPTED MURDER IN THE
SECOND DEGREE
(HRS §§ 705-500, 707-701.5 and 706-656)

DEFENDANT GERHARDT KONIG'S
POSITION STATEMENT REGARDING
JUROR QUESTIONING; CERTIFICATE OF
SERVICE

THE HONORABLE PAUL B.K. WONG
JUDGE PRESIDING

HEARING :

DATE: September 11, 2026

HEARING TIME: 9:30am

**DEFENDANT GERHARDT KONIG'S POSITION STATEMENT
REGARDING JUROR QUESTIONING**

While preserving and incorporating all objections and arguments previously raised in,
and at the hearing on, his Motion for a New Trial, Defendant Gerhardt Konig submits this
Position Statement Regarding Juror Questioning.

Defendant has grave concerns about the Court questioning jurors more than four months after they rendered their verdict concerning alleged juror improprieties or outside contact. These concerns include, but are not limited to: (1) the possibility that jurors have been exposed to media coverage or other information concerning the case since they were discharged by the Court, which may affect their recollection or responses; (2) the unlikelihood that a juror who engaged in potential misconduct would voluntarily admit to such conduct in open court while under oath; and (3) the need for jurors to have access to independent counsel to advise them of their rights—including their Fifth Amendment privilege against self-incrimination—to protect their privacy interests, and to answer any questions they may have concerning their rights and available options.

Accordingly, Defendant Gerhardt Konig respectfully requests that the Court:

1. Appoint an attorney from the grand jury counsel panel to serve as independent counsel for the jurors in this case;
2. Direct appointed counsel to advise each juror of his or her rights and available options, including the Fifth Amendment privilege against self-incrimination, before any questioning by the Court or counsel;
3. Provide each juror with an opportunity to meet individually and privately with appointed counsel before any questioning;
4. Conduct any questioning of jurors in a sealed proceeding from which the media and general public are excluded;
5. Inquire of each juror concerning any post-verdict exposure to media coverage or other information regarding this case; and
6. Permit counsel for Defendant Konig and the State of Hawai'i to ask appropriate follow-up questions of each juror.

Defendant Gerhardt Konig continues to maintain that his Motion to Dismiss can and should be granted without further inquiry of the jurors. Additional juror inquiry is unnecessary to grant the motion and, at most, would only be necessary if the Court were otherwise inclined to

deny it. The evidence presently before the Court is more than sufficient to warrant granting the Motion to Dismiss without further inquiry.

Defendant Gerhardt Konig therefore respectfully requests that the Court grant the Motion to Dismiss based on the existing record. In the alternative, if the Court determines that further juror inquiry is necessary before ruling on the motion, Defendant requests that the Court adopt the foregoing procedures to ensure that any inquiry is fair, reliable, and consistent with the jurors' rights and privacy interests.

DATED: Honolulu, Hawai'i, August 21, 2026.

/s/ Thomas M. Otake
THOMAS M. OTAKE
MANTA K. DIRCKS

Attorneys for Defendant Gerhardt Konig

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date noted below, a true and correct copy of the foregoing document was served upon the following parties electronically through the Judiciary Electronic Filing and Service System (JEFS):

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DATED: Honolulu, Hawai'i, August 21, 2026.

/s/ Thomas M. Otake

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