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SP. No. 3CSP-20-0000022

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

In the Matter of the CIRCUIT COURT OF THE THIRD CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK	)	(Special Proceeding) SECOND AMENDED EMERGENCY ORDER #5 REGARDING DISTRICT COURT OF THE THIRD CIRCUIT

SECOND AMENDED EMERGENCY ORDER #5 REGARDING
DISTRICT COURT OF THE THIRD CIRCUIT

This matter comes before the Court in light of the public health emergency in the State of Hawai'i.

Pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, Order Directing Courthouse closures filed March 20, 2020, Order Regarding Trials filed April 17, 2020, Order Regarding Remote Court Procedures filed April 24, 2020, and Order Regarding Judiciary Operations filed April 27, 2020 under SCMF No. 20-0000152 regarding the coronavirus (COVID-19) and with authority as Interim Chief Judge of the above-entitled Court, IT IS HEREBY ORDERED:

1. The following shall apply to all district court/environmental court criminal

proceedings:

a. All criminal and criminal traffic cases involving defendants in the custody of the Hawaii Community Correctional Center (HCCC), the Hawai'i State Hospital (HSH), and/or the Hawaii County Police Department (HCPD) will proceed as scheduled.

b. All criminal and criminal traffic cases involving defendants who are not in the custody of HCCC, HSH, and/or HCPD will be postponed until after May 29, 2020, or to a date after the termination of the state of emergency as declared by Governor Ige, whichever is sooner.

c. This postponement shall not apply to any initial appearances in felony cases, preliminary hearings for defendants, hearings held pursuant to Hawai'i Revised Statutes Chapter 704, bail hearings, and proceedings that the presiding judge deems urgent.

2. As to the mental health calendar, and concerning matters under Hawai'i Revised Statutes Chapter 704, hearings on (1) Order for Temporary Hospitalization; (2) Motion to Revoke Conditional Release; and (3) any essential hearings will proceed as scheduled. All other evidentiary hearings shall be postponed until after May 29, 2020, or to a date after the termination of the state of emergency as declared by Governor Ige, whichever is sooner. Non-evidentiary hearings may be held by video/telephone conference, where appropriate to limit in-person contact during this time. The parties shall contact the assigned courts to reschedule hearings.

3. As to felony matters:

a. All initial appearances in felony matters will proceed as usual.

b. All preliminary hearings in felony matters will proceed as usual.

4. The following shall apply to all district court civil proceedings:

a. All trials, except as set forth in subsection c below, will be postponed until after May 29, 2020, or to a date after the termination of the state of emergency as declared by Governor Ige, whichever is sooner.

b. All answers, returnables, hearings, motions, pretrial conferences, status conferences, and settlement conferences will be postponed until after May 29, 2020, or to a date after the termination of the state of emergency as declared by Governor Ige, whichever is sooner.

c. All district court temporary restraining order matters under Haw. Rev. Stat. § 604-10.5 will proceed as usual.

5. All traffic infraction cases will be postponed until after May 29, 2020, or to a date after the termination of the state of emergency as declared by Governor Ige, whichever is sooner.

IT IS SO ORDERED:

DATED: Kailua-Kona, Hawai'i April 29, 2020

/s/ Melvin H. Fujino
Hon. Melvin H. Fujino, Interim Chief Judge
Third Circuit Court, State of Hawai'i