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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) FIFTH AMENDED EMERGENCY ORDER #2 REGARDING CIRCUIT COURT OF THE THIRD CIRCUIT, CRIMINAL MATTERS

FIFTH AMENDED EMERGENCY ORDER #2 REGARDING
CIRCUIT COURT OF THE THIRD CIRCUIT, CRIMINAL MATTERS

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, the Order Directing Courthouse Closures filed March 20, 2020, the Order Regarding Trials filed April 17, 2020, the Order Regarding Remote Court Procedures filed April 24, 2020, the Order Regarding Judiciary Operations filed April 27, 2020, the Order Regarding Jury Trials and Grand Juries filed May 22, 2020, the Order Regarding Judiciary Operations filed May 28, 2020, the Order Regarding Judiciary Operations filed June 23, 2020, the Order Regarding Jury Trials filed June 23, 2020, and the Order

Regarding Judiciary Operations filed July 28, 2020, under SCMF No. 20-0000152 regarding the coronavirus disease 2019 (COVID-19) and under the authority as Chief Judge of the above-entitled Court,

IT IS HEREBY ORDERED:

The following shall apply to all circuit court criminal trial proceedings:

All jury trials shall be postponed until after August 31, 2020 and jury trials may begin on September 1, 2020, barring further public health or other extraordinary developments that would make doing so imprudent.

All other criminal proceedings will be heard remotely by telephonic or video conference to the extent feasible and as permitted by law. If the assigned criminal court requires in-person proceedings, the hearing shall be held on a staggered basis and counsel and parties shall practice social distancing.

The parties shall contact the assigned court to reschedule or schedule hearings.

No person shall enter the Judiciary facility if they have: (1) a cough, shortness of breath, difficulty breathing, or at least two of the following: fever, chills, repeated shaking with chills, muscle pain, sore throat, or new loss of taste or smell; (2) traveled in the past 14 days outside the State of Hawaii; or (3) had prolonged contact with a person who has or is suspected to have COVID-19. Exceptions may be made to these restrictions in extraordinary circumstances.

Person(s) entering the Judiciary facility shall wear a face covering as described and recommended by the Centers for Disease Control and Prevention.

IT IS SO ORDERED:

DATED: Kailua-Kona, Hawai'i _____July 29, 2020,_____

_____/s/ Robert D. S. Kim_____
Hon. Robert D. S. Kim, Chief Judge
Third Circuit Court, State of Hawai'i