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SP. No. 1CSP-20-0000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI‘I

In the Matter of the CIRCUIT COURT OF THE FIRST CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK	SP. No. 1CSP-20-0000082 (Special Proceeding) EIGHTH AMENDED EMERGENCY ORDER #2 REGARDING CIRCUIT COURT OF THE FIRST CIRCUIT, CRIMINAL MATTERS

EIGHTH AMENDED EMERGENCY ORDER #2 REGARDING CIRCUIT COURT OF THE FIRST CIRCUIT, CRIMINAL MATTERS

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

In light of the recent increase in COVID-19 cases on the island of Oahu, and Mayor Kirk Caldwell's Second Stay at Home/Work from Home Order, Emergency Order No. 2020-25 (COVID-19 [Novel Coronavirus]) dated August 25, 2020, the First Circuit Courts will continue to conduct remote proceedings when possible while also taking steps to further limit the number of people in Judiciary facilities.

To further protect the health and safety of First Circuit Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 24, 2020, April 27, 2020, May 22, 2020, May 28, 2020, June 15, 2020, June 23, 2020, July 28, 2020, August 5, 2020 and August 28, 2020, under SCMF No. 20-0000152 regarding the coronavirus (COVID-19) and with authority as Chief Judge of the above-entitled Court, IT IS HEREBY ORDERED:

1. No person shall enter the First Circuit Judiciary facilities if they have: (1) a fever, cough, shortness of breath, difficulty breathing, or other symptoms of respiratory illness; (2) traveled outside of Hawai‘i in the past 14 days; or (3) had close prolonged contact with a person who has or is suspected to have COVID-19. Further, any person entering First Circuit Judiciary facilities shall wear a face covering as described and recommended by the Centers for Disease Control and Prevention and shall maintain appropriate social distancing of at least six feet (both inside and outside the courtroom).

2. The following shall apply to all **criminal trial division proceedings**:
    a. All jury and non-jury trials shall be postponed to dates after October 2, 2020.
    b. All face-to-face conferences, hearings and motions, except hearings regarding bail pursuant to Hawaii Revised Statutes Chapter 804 (“Bail Hearings”) and matter deemed essential and urgent requiring court action (“Essential Hearings”), will be postponed until after September 30, 2020. The appropriate criminal division will notify parties of any future hearing dates.
3. The following shall apply to all **criminal administrative division proceedings**:
    a. Arraignments, extradition hearings, initial appearances in felony cases, preliminary hearings, Bail Hearings and Essential Hearings will proceed

as scheduled. All other face-to-face conferences, hearings and motions shall be continued until September 30, 2020. The administrative division will notify parties of any future hearing dates.

b. All grand jury proceedings shall be postponed to dates after October 2, 2020.

c. As to the mental health calendar, and concerning matters under Hawaii Revised Chapter 704, hearings on (1) order for temporary hospitalization; (2) motion to revoke order granting conditional release; and (3) any Essential Hearing will proceed as scheduled. The administrative division will notify parties of any future hearing dates.

4. The following shall apply to **HOPE Probation and all treatment courts**, including Drug Court, Mental Health Court, and Veterans' Court:

a. All face-to-face conferences, hearings and motions, except Bail Hearings and Essential Hearings, will be postponed until after September 30, 2020. The appropriate HOPE and/or treatment court division will notify parties of any future hearing dates.

5. This Order may be modified as circumstances warrant, but absent further action this Order shall remain in effect.

It is so Ordered.

DATED: Honolulu, Hawai'i, August 28, 2020.

/s/ R. Mark Browning

HON. R. MARK BROWNING, CHIEF JUDGE
First Circuit Court, State of Hawai'i