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

AMENDED EMERGENCY ORDER #2 REGARDING CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI‘I, 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 Judiciary's efforts to conduct remote proceedings, steps have been taken to increase technological capabilities and infrastructure for the courts to operate and maintain their respective dockets, while navigating the constraints of the rapidly evolving emergency situation. The necessary devices and teleconferencing programs are available now to allow for remote proceedings to be held. Thus, with this upgraded technological capability, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 24,

2020, and April 27, 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. All trials, jury and non-jury, and grand jury panels shall be postponed until after May 29, 2020.
2. Beginning May 4, 2020, all criminal divisions shall conduct all other matters, motions and hearings (including evidentiary hearings) remotely pursuant to their regularly scheduled calendars, if in compliance with court rules and orders.
3. *Face-to face* hearings and motions, may proceed *only* in the following limited instances:
    a. Initial appearances in felony cases, preliminary hearings for in-custody defendants, and arraignment and plea;
    b. Motions and hearings regarding bail pursuant to Hawai‘i Revised Statutes Chapter 804 (“Bail Hearings”);
    c. Matters deemed essential and urgent requiring court action (“Essential Hearings”);
    d. Regarding matters concerning Hawai‘i Revised Statutes Chapter 704, hearings on (1) Order for Temporary Hospitalization; and/or (2) Motion to Revoke Conditional Release;
    e. For all other matters involving defendants in custody, at the court’s discretion, defendants may appear via video conferencing and attorneys may be ordered to appear in court.[1]

[1] The court continues to explore capabilities for in-custody defendants to appear remotely.

It is so Ordered.

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

Hon. R. Mark Browning, Chief Judge
First Circuit Court, State of Hawai'i