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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) EMERGENCY ORDER #5 REGARDING DISTRICT COURT OF THE THIRD CIRCUIT

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 Order of Chief Justice Mark E. Recktenwald filed March 16, 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. 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 Hawai‘i 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 April 30, 2020.

c. This postponement shall not apply to any initial appearances in felony cases, preliminary hearings for defendants, arraignment and plea 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 hearings shall be postponed until after April 30, 2020.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 will be postponed until after April 30, 2020.

b. All answers, returnables, hearings, motions, pretrial conferences, status conferences, and settlement conferences will be postponed until after April 30, 2020.

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 April 30, 2020.

IT IS SO ORDERED:

DATED: Kailua-Kona, Hawai‘i March 18, 2020

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