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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) FOURTH AMENDED EMERGENCY ORDER #5 REGARDING DISTRICT COURT OF THE FIRST CIRCUIT

FOURTH AMENDED EMERGENCY ORDER #5
REGARDING DISTRICT COURT OF THE FIRST 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, April 17, 2020, April 24, 2020, April 27, 2020, May 22, 2020, May 28, 2020, June 15, 2020, and June 23, 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 district court felony matters will proceed as scheduled.

2. The following shall apply to district court criminal proceedings and criminal traffic proceedings:

A. Proceedings involving defendants in the custody of the Oahu Community Correctional Center (OCCC), the Hawai`i State Hospital (HSH), and/or the Honolulu Police Department (HPD) will proceed as scheduled.

B. Effective immediately, all trials and evidentiary hearings that commenced on or before March 16, 2020 (*i.e.*, all further trials and further hearings), may resume.

C. Beginning on July 7, 2020, all arraignment and plea, status hearings, proof of compliance hearings, and pretrial conferences may resume. Appearance times shall be staggered to facilitate social distancing. The District Court shall permit remote appearances. The District Court shall inform parties and their counsel of their appearance times and provide instructions about remote appearances. The Deputy Chief Judge of the District Court, First Circuit, shall determine the specific dates upon which such proceedings will resume at each of the District Court locations.

D. Trials and evidentiary hearings involving defendants who are not in the custody of the Oahu Community Correctional Center (OCCC), the Hawai`i State Hospital (HSH), and/or the Honolulu Police Department (HPD) may resume after July 31, 2020. The Deputy Chief Judge of the District Court, First Circuit, shall determine the specific dates upon which such trials and evidentiary proceedings may resume.

3. The following shall apply to the district court mental health calendar and matters under Hawai‘i Revised Statutes Chapter 704:

A. Hearings on (1) Orders for Temporary Hospitalization, (2) Motions to Revoke Conditional Release, and (3) any essential hearings will proceed as scheduled.

B. All other hearings may resume after July 31, 2020. The District Court shall permit remote appearances, to the extent possible. The District Court shall provide instructions to parties and their counsel about remote appearances.

4. The following shall apply to the district court specialty courts:

A. DWI Court will proceed as scheduled. The District Court shall continue to permit remote appearances, to the extent possible.

B. Community Outreach Court may resume on dates and at locations to be determined by the Deputy Chief Judge of the District Court, First Circuit.

5. The following shall apply to district court traffic infraction proceedings:

A. Beginning on July 7, 2020, all traffic infraction hearings may resume. Appearance times shall be staggered to facilitate social distancing. The District Court shall permit remote appearances. The District Court shall inform parties and their counsel of their appearance times and provide instructions about remote appearances. The Deputy Chief Judge of the District Court, First Circuit, shall determine the specific dates upon which such proceedings will resume at each of the District Court locations.

B. Traffic infraction trials under Haw. Rev. Stat. § 291D-13 may resume after July 31, 2020. The Deputy Chief Judge of the District Court, First Circuit, shall determine the specific dates upon which such trials may resume.

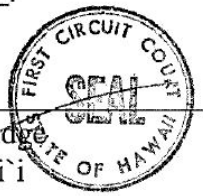
6. All district court civil proceedings may resume on dates and at locations to be determined by the Deputy Chief Judge of the District Court, First Circuit.

7. The Deputy Chief Judge of the District Court, First Circuit, may issue additional orders and adjust court operations consistent with this Order and the Orders issued by Chief Justice Recktenwald in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak*.

8. 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, JUN 26 2020.



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