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THIRD CIRCUIT
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S.P. NO. 3CSP-20-0000022

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE CIRCUIT COURT OF THE THIRD CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK	(SPECIAL PROCEEDING) SIXTH AMENDED EMERGENCY ORDER #2 REGARDING CIRCUIT COURT OF THE THIRD CIRCUIT, CRIMINAL MATTERS

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

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

The recent increase in the coronavirus disease 2019 (COVID-19) cases on the Island of Hawai'i, and across the State of Hawai'i, constitute exceptional and extraordinary circumstances. Pursuant the Order of the Chief Justice Mark E. Recktenwald filed March 16, 2020 under SCMF No. 20-0000152 regarding COVID-19 to significantly reduce the need for in-court appearances and other restrictions; Governor David Ige's declared state of emergency in Hawaii in response to the public health threat posed by COVID-19; the United Nations World Health Organization's designation of COVID-19 as a global public health emergency on January 30, 2020 and a global pandemic on March 11, 2020; the March 13, 2020 Declaration of a national emergency by the President of the United States beginning March 1, 2020 pursuant to the National Emergencies Act (50 USC 1601 *et seq*); the Orders of the Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 27, 2020, May 28, 2020, June 15, 2020, June 23, 2020, July 28, 2020, August 5, 2020 , August 28, 2020 and September 4, 2020, and with the authority as Chief Judge of the above-entitled Court,

IT IS HEREBY ORDERED:

1. All criminal jury trials shall be postponed to a date after November 13, 2020, and jury trials may commence on November 16, 2020, barring further public health or other extraordinary developments that would make doing so imprudent. Criminal bench trials may be held at the discretion of the trial court.

2. Bail hearings, extradition hearings, initial appearances in felony cases, and matters deemed essential and urgent by the trial court judge will proceed as scheduled in person. In-person appearances may be conducted by Zoom video conferencing with the consent of the defendant(s).

3. Pretrial conferences shall be conducted by Zoom video conferencing. The trial court may authorize in-person or telephone pretrial conferences in its sole discretion.

4. All non-evidentiary motions shall be held via Zoom video conferencing and shall include in the title "Notice of Zoom Remote Hearing" and include the following language in the notice of hearing:

> The foregoing motion will be heard via Zoom remote conferencing on _____, 20__ at _____ __m., in the Circuit Court of the Third Circuit, by the above-entitled Court. You are directed to appear remotely via Zoom video conferencing 15 minutes prior to the scheduled time. Your Zoom conference ID is: _____, no password is required. Non-attorney participants unable to participate by video may call **1 669 900 9128** to participate by telephone by using the above noted Zoom video conference ID.

5. All attorneys shall enter a user name that sets forth their full names and includes the suffix "Esq.", to be allowed into any Zoom video conference. All other participants

shall enter a user name that sets forth their full name. Failure to comply may result in sanctions. All attorneys and parties shall dress appropriately for all remote court proceedings.

6. Third Circuit Zoom video conference ID's are designated as follows:

Division 1, Hon. Peter Kubota: 926 8229 1569

Division 2, Hon. Henry Nakamoto: 966 9617 0927

Division 3, Hon. Robert Kim: 611 203 9134

Division 4, Hon. Wendy DeWeese: 610 665 7731

7. As to the mental health calendar, and concerning matters under Hawaii Revised Chapter 704, hearings on (1) orders for temporary hospitalization; (2) motions to revoke orders granting conditional release; or, (3) any essential or urgent matters may proceed as scheduled. Review hearings shall be conducted remotely via Zoom video conferencing and/or telephone. The trial court may authorize in-person hearings in its sole discretion.

8. Hope probation and all treatment courts, including Big Island Drug Court, and Veteran's Court shall be conducted remotely via Zoom video conferencing and/or telephone. The trial court may authorize in-person hearings in its sole discretion.

9. This Order may be modified or extended as circumstances warrant, but absent further action this Order shall remain in full force and effect. The provisions of this Order do not limit a trial court's discretion to entertain in-person hearings.

Dated: Kailua-Kona, Hawaii, September 17, 2020.

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