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

ELEVENTH 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.

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 as of December 22, 2020 under SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak, and with authority as Chief Judge of the above-entitled Court, IT IS HEREBY ORDERED:

1. No person shall enter First Circuit Judiciary facilities if they: (1) have a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the Centers for Disease Control and Prevention ("CDC"); (2) have had close prolonged contact with a person who has or is suspected to have COVID-19 (except for emergency first responders who do not have or are not suspected to have COVID-19 and are subpoenaed for court hearings/trial); or (3) have traveled outside of Hawai‘i in the past 10 or 14 days (as applicable based on the date of arrival) and have not satisfied the negative test exception to the mandatory self-quarantine period (based on the date of arrival), subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations. Upon appropriate motion, the presiding judge may grant exceptions to these restrictions in extraordinary circumstances.

2. Further, any person entering First Circuit Judiciary facilities shall wear a face covering as described and recommended by the CDC and shall maintain appropriate social distancing of at least six feet (both inside and outside the courtroom).

3. Beginning December 14, 2020, jury trials requiring jury panels of no more than 36 prospective jurors may recommence, barring further public health or other developments that would make doing so imprudent. All jury trials shall comply with social distancing mandates as ordered by federal, state, and county officials, and shall be conducted in a manner that ensures the safety of Judiciary personnel, jurors, and court users. Any jury trial that cannot be conducted in such a manner, (including jury trials where guidelines of social distancing prohibit the presence of more than 36 prospective jurors) shall be further postponed until such time that all court users' safety can be adequately safeguarded.

4. Beginning December 1, 2020, non-jury trials and grand jury panels may recommence, barring further public health or other developments that would make doing so imprudent.

5. Beginning December 1, 2020, all criminal divisions shall conduct all other matters, motions and hearings (including evidentiary hearings), in compliance with all other court rules and orders, either remotely (*i.e.*, telephone, WebEx, Zoom or other video conferencing) or in person, as the criminal divisions may require. If the criminal division requires in-person proceedings, the hearings shall be held on a staggered basis, and counsel and parties shall wear face coverings 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).

6. 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, December 24, 2020.

/s/ R. Mark Browning

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