Electronically Filed
THIRD CIRCUIT
3CSP-20-0000022
29-APR-2020
03:12 PM

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

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

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, Order Directing Courthouse Closures filed March 20, 2020, Order Regarding Trials filed April 17, 2020, Order Regarding Remote Court Procedures filed April 24, 2020, and Order Regarding Judiciary Operations filed April 27, 2020 under SCMF No. 20-0000152 regarding the coronavirus disease 2019 (COVID-19) and with authority as Interim Chief Judge of the above-entitled- Court, IT IS HEREBY ORDERED:

1. The following shall apply to all circuit court criminal trial proceedings:

All trials, jury and non-jury, will be continued until after May 29, 2020, or to a date after the termination of the state of emergency as declared by Governor Ige, whichever is sooner.

2. The following shall apply to all circuit court criminal administrative proceedings:

a. Arraignment, plea, and extradition hearings, initial appearances in felony cases, preliminary hearings for in-custody defendants, bail hearings, and essential hearings will proceed as scheduled.

b. Grand Jury panels will not be convened until after May 29, 2020.

c. As to the mental health calendar, and concerning matters under Hawaii 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.

d. All essential hearings and hearings as determined on a case by cases basis by the presiding judge may be held remotely by telephonic or video conference to the extent feasible and as permitted by law. Parties shall contact the assigned court to schedule or reschedule hearings.

3. For all treatment courts, including Drug Court and Veterans' Treatment Court, all hearings will be continued until after May 29, 2020, or to a date after the termination of the state of emergency as declared by Governor Ige, whichever is sooner. All essential hearings and hearings as determined by the presiding judge on a case by cases basis may be held remotely by telephonic or video conference to the extent feasible and as permitted by law. Parties shall contact the assigned court to

schedule or re-schedule hearings.

4. All HOPE Probation hearings will be continued until after May 29, 2020, or to a date after the termination of the state of emergency as declared by Governor Ige, whichever is sooner. All essential hearings and hearings as determined by the presiding judge on a case by cases basis may be held remotely by telephonic or video conference to the extent feasible and as permitted by law. Parties shall contact the assigned court to schedule or re-schedule hearings.

IT IS SO ORDERED:

DATED: Kailua-Kona, Hawai'i April 29, 2020

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