Electronically Filed Supreme Court SCRU-11-0000083 11-DEC-2017 02:01 PM

SCRU-11-0000083

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the HAWAI'I RULES OF PENAL PROCEDURE

ORDER REGARDING THE DISTRICT COURT OF THE SECOND CIRCUIT'S USE OF FORM

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

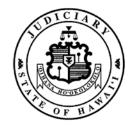
Upon consideration of the form attached to this order, submitted to this court by the District Court of the Second Circuit,

IT IS HEREBY ORDERED that the District Court of the Second Circuit is granted temporary approval for use of the form "Motion to Recall Bench Warrant" pending a final decision by this court.

DATED: Honolulu, Hawai'i, December 11, 2017.

- /s/ Mark E. Recktenwald
- /s/ Paula A. Nakayama
- /s/ Sabrina S. McKenna
- /s/ Richard W. Pollack
- /s/ Michael D. Wilson





<u>District Court of the Second Circuit – The Judiciary – State of Hawai'i</u> TRAFFIC VIOLATIONS BRANCH - HOAPILI HALE - 2145 MAIN STREET, SUITE 137,

TRAFFIC VIOLATIONS BRANCH - HOAPILI HALE - 2145 MAIN STREET, SUITE 137, WAILUKU, MAU'I, HAWAI'I - Telephone (808)244-2800 Fax (808)244-2849

[Date]

[Name] [Address] [City,State,Zip]

RE: MOTION TO RECALL BENCH WARRANT

Dear [Mr./Ms].:

Enclosed you will find the Motion to Recall Bench Warrant. Please fill out the following information:

Page 1- Complete the information at the top left corner of the Motion.

Page 2 - Insert the City and State (where completing the document), the current date, and sign on the Defendant/Motorist/Attorney Signature line.

Certificate of Service – Insert the date the motion will be hand delivered or mailed to the Prosecutor Sign on the Defendant/Motorist/Attorney Signature line.

Submit the completed Motion to Recall Bench Warrant as Follows:

Original – Courts

Copy – Maui County Prosecutors ATTN: BYRON FUJIEDA 150 S. High Street Wailuku, HI 96793

Copy – defendant (self)

The Prosecutors Office and the Court must receive the completed Motion to Recall Bench Warrant by _______. If the Motion to Recall Bench Warrant is not timely

received it will not be scheduled for a court hearing.

If you have any questions, please call the Traffic Violations Bureau at (808) 244-2800.

Sincerely,

[tvb clerk]
Judicial Clerk
encls

Defendant/Motorist/Attorney's Name: Address: City, State, Zip Code: Telephone No.: Defendant/Motorist's Driver License No.:			
,	F COURT OF THE SECOND CIRCUIT WAILUKU DIVISION STATE OF HAWAI'I		
STATE OF HAWAII) CASE NO:		
VS.)) COUNT 1:))		
(Name) DEFENDANT/MOTORIST) MOTION TO RECALL BENCH WARRANT) CERTIFICATE OF SERVICE)) HEARING: (court date)		
MOTION TO RECALL BENCH WARRANT			
Defendant/Motorist	requests that court recall the		
bench warrant ordered on	for the following reasons:		

Defendant wishes to make his/her appearance and enter his/her plea of guilty or no contest to the above reference charges pursuant to Rule 43, Waiver of physical presence; Submission of Plea.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE
OF HAWAI'I THAT THE ABOVE IS TRUE AND CORRECT.

DATE: City	_, State	, Date
		Defendant/Motorist/Attorney's Signature
•	served this Motic	CATE OF SERVICE on to Recall; Bench Warrant on the Prosecuting] hand delivery at least 48 – hours prior to my
court date or []	mail postmarke d	d <u>at least (4)</u> days prior to my court date, egal holidays at 200 S. High Street, Wailuku, HI
		Defendant/Motorist/Attorney'sSignature