

hearings for traffic infraction matters using Zoom, a web-based videoconferencing platform widely used within the general community. The District Court thereafter expanded remote hearings to civil and criminal matters. The necessary equipment, licenses, and technical support are now available to allow for remote proceedings to be held in almost all of the courtrooms at each of the District Court courthouses.

As the District Court continued to expand its operations, public health conditions regarding the COVID-19 pandemic in Hawai`i took a sharp turn for the worse. Given these developments, and in light of the upgraded technological capacity for remote hearings at District Court, and 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, June 23, 2020, July 28, 2020, and August 5, 2020 in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak*, and with authority as Chief Judge of the First Circuit, the Court hereby orders as follows:

I. District Court Criminal and Criminal Traffic Cases

A. *Matters to be postponed*

1. All criminal and criminal traffic trials shall be postponed to a date on or after September 14, 2020.

B. *Matters to be conducted through remote hearings only*

2. With the exception of matters set forth in paragraphs 1 and 3, all other non-custody criminal and criminal traffic cases shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued. Instructions on "How to Join a Court Remote Hearing Using Zoom" are available at:

https://www.courts.state.hi.us/wp-content/uploads/2020/06/How-to-Log-Onto-Zoom-Guide5-28-2020_final.pdf

Additional information is also available on the Judiciary's website at:

<https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex>.

C. *Matters to proceed in-person or through videoconferencing with the Oahu Community Correction Center (OCCC), the Hawai`i State Hospital (HSH), the Honolulu Police Department (HPD), and/or the State Office Tower*

3. The following cases shall proceed as scheduled:
 - a. Initial appearances and preliminary hearings in felony cases;
 - b. Arraignment and plea proceedings for defendants in HPD custody;
 - c. Motions for release filed by defendants in HPD custody or OCCC custody;
 - d. Motions to revoke conditional release, motions to revoke probation, and motions pertaining to bail;
 - c. Cases on the mental health calendar involving hearings under Hawai`i Revised Statutes (Haw. Rev. Stat.) Chapter 704 on (1) motions for temporary hospitalization; (2) motions to revoke conditional release; and (3) other essential hearings; and
 - d. Quarantine violator cases involving defendants summoned to appear at Leiopapa a Kamehameha (the State Office Tower) located at 235 South Beretania Street in the second floor in Room 200.

To the extent possible, video conferencing shall be used for cases involving defendants in the custody of Honolulu Police Department, the Oahu Community Correctional Center, and/or the Hawai`i State Hospital, as well as cases involving defendants summoned to appear at the State Office Tower in quarantine violator cases.

II. District Court Traffic Infraction Cases

A. *Matters to be postponed*

4. All traffic infraction trials under Haw. Rev. Stat. § 291D-13 (trial de novo) shall be postponed to a date on or after September 14, 2020.

B. *Matters to be conducted through remote hearings only*

5. All traffic infraction hearings under Haw. Rev. Stat. § 291D-8 shall be conducted remotely by Zoom.

III. District Court Civil Cases

A. *Matters to be postponed*

6. With the exception of matters set forth in paragraph 7, all civil cases shall be postponed to a date on or after September 14, 2020.

B. *Matters to proceed in-person*

7. The following cases shall proceed as scheduled:

- a. Cases involving temporary restraining orders (TROs) and injunctions under Haw. Rev. Stat. § 604-10.5; and
- b. Cases involving TROs and injunctions based on illegal lockouts and utility shutoffs.

IV. Court Services

8. Kauikeaouli Hale (*i.e.*, the Honolulu District Court), the `Ewa District Court, the Kāne`ohe District Court, the Wahiawā District Court, and the Wai`anae District Court shall remain open for general court services. The Deputy Chief Judge of the District Court, First

Circuit may determine and modify the dates and times during which such services will be provided.

9. Self-represented litigants (*i.e.*, parties without attorneys) in civil, criminal, traffic criminal, and temporary restraining order (TRO) cases shall submit documents electronically through the Court Document Drop-Off. Information about the Court Document Drop-Off service is available at:

https://www.courts.state.hi.us/legal_references/efiling

In the event a party is unable to electronically submit a document through the Court Document Drop-Off service, the document may be filed in person.

10. Attorneys and self-represented litigants shall submit motions in traffic infraction cases electronically through the Court Document Drop-Off service. In the event an attorney or self-represented litigant is unable to electronically submit a document through the Court Document Drop-Off service, the document may be filed in person.

V. General matters

11. No person shall enter any Judiciary facility in the First Circuit of the State of Hawai‘i if that person has: (i) a fever, cough, shortness of breath, or other symptoms of respiratory illness; (ii) traveled outside of Hawai‘i in the past 14 days; or (iii) had close prolonged contact with a person who has or is suspected to have COVID-19. Furthermore, any person entering any Judiciary facility shall wear an appropriate face covering as described and recommended by the Centers for Disease Control and Prevention (both inside and outside the courtroom), unless exempt, and shall maintain appropriate social distancing of at least six feet while visiting judiciary facilities (both inside and outside the courtroom).

13. 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 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, June 23, 2020, July 28, 2020, and August 5, 2020 in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak*.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, August 10, 2020.

/s/ R. Mark Browning



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

SP. No. 1CSP-20-0000082; In the Matter of the Circuit Court of the First Circuit's Response to COVID-19 Outbreak; Fifth Amended Emergency Order #5 Regarding District Court of the First Circuit