

**Electronically Filed
Supreme Court
SCPW-20-0000509
13-AUG-2020
02:17 PM**

SCPW-20-0000509

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

IN THE MATTER OF INDIVIDUALS IN CUSTODY
OF THE STATE OF HAWAI‘I

ORIGINAL PROCEEDING

ORDER

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ.,
and Chief Judge Ginoza, assigned by reason of vacancy)

On August 12, 2020, the Office of the Public Defender (“OPD”) filed a petition for extraordinary writ pursuant to HRS §§ 602-4, 602-5(5), and 602-5(6) and/or a writ of mandamus (“Petition”). For purposes of the Petition, Respondents shall be designated as: (1) Nolan P. Espinda, Director of the Department of Public Safety (“DPS”); (2) Dwight K. Nadamoto, Acting Prosecuting Attorney, City and County of Honolulu (“Prosecuting Attorney Nadamoto”); (3) Donald S. Guzman, Prosecuting Attorney, County of Maui; (4) Mitchell D. Roth, Prosecuting Attorney, County of Hawai‘i; (5) Justin F. Kollar, Prosecuting Attorney, County of Kaua‘i; and (6) Edmund (Fred) K.B. Hyun, Chairperson of the Hawai‘i Paroling Authority. Upon

consideration of the Petition and the current state of the pandemic,

IT IS HEREBY ORDERED as follows:

1. By 9:00 a.m. on Friday, August 14, 2020, Respondents DPS and Prosecuting Attorney Nadamoto shall file an answer to the Petition solely with respect to O'ahu Community Correctional Center ("OCCC"). The answer shall include the process that should be implemented to facilitate the release of the category of defendants requested in the Petition, should the court allow for such release, including: the COVID-19 screening process; the mechanism for providing the COVID-19 testing information to the court for each defendant identified for release; how positive, negative, and pending test results should be handled; the expected time frame to effectuate these steps; and any other issues that may be implicated by the requested release.

2. A hearing will be held on Friday, August 14, 2020, at 11:00 a.m. with respect to paragraph 1 above. The hearing will be held remotely and will be livestreamed for public viewing via the Judiciary's YouTube channel at [YouTube.com/hawaiiicourts](https://www.youtube.com/hawaiiicourts). Petitioner OPD and Respondents DPS and Prosecuting Attorney Nadamoto shall appear at the hearing. In addition to counsel, a representative from DPS shall be available to answer any questions of the court.

3. No later than 4:30 p.m. on Monday, August 17, 2020, all Respondents shall file an answer to the entire Petition.

4. The clerk of the appellate court shall serve a copy of this order upon the Respondents, as required by HRAP Rule 21(c). Service shall be effectuated electronically and by telephone.

DATED: Honolulu, Hawai'i, August 13, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Lisa M. Ginoza

