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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, Wilson, and Eddins, JJ)

Upon consideration of the form attached to this order, submitted to this court by the District Court of the Second Circuit, and the views provided by the Permanent Committee on Rules of Penal Procedure and Circuit Court Criminal Rules,

IT IS HEREBY ORDERED that, pursuant to Rule 2.2(h) of the Hawai'i Rules of Penal Procedure and Rule 3(f) of the Rules of the District Courts of the State of Hawai'i, the District Court of the Second Circuit is granted approval to use the form "Motion to Recall Bench Warrant," attached hereto, on a permanent basis.

DATED: Honolulu, Hawai'i, March 18, 2021.

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





<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 Address: City, State, Zip Code: Telephone No.: Defendant/Motorist's Driver Lie	
IN THE DISTRIC	T 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 T	ΓΟ 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
	CERTIFIC	CATE OF SERVICE
Attorney on court date or [] ma	by [ail postmarke	on to Recall; Bench Warrant on the Prosecuting] hand delivery <u>at least</u> 48 – hours prior to my d <u>at least</u> (4) days prior to my court date egal holidays at 200 S. High Street, Wailuku, HI
		Defendant/Motorist/Attorney'sSignature