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SP. No. 1CSP-20-0000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

In the Matter of the

CIRCUIT COURT OF THE FIRST CIRCUIT'S
RESPONSE TO THE COVID-19 OUTBREAK

) SP. No. 1CSP-20-0000082
)
) (Special Proceeding)

) TWELFTH AMENDED EMERGENCY
) ORDER #2 REGARDING CIRCUIT
) COURT OF THE FIRST CIRCUIT,
) CRIMINAL MATTERS
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TWELFTH AMENDED EMERGENCY ORDER #2 REGARDING
CIRCUIT COURT OF THE FIRST CIRCUIT, CRIMINAL MATTERS

This matter comes before the Court in light of the public health emergency in the State of Hawai'i.

To further protect the health and safety of First Circuit Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed as of May 14, 2021 under SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak, and with authority as Chief Judge of the above-entitled Court, IT IS HEREBY ORDERED:

1. No person shall enter First Circuit Judiciary facilities if they:

(1) have a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the Centers for Disease Control and Prevention (“CDC”), except where the Department of Health has advised that quarantine is not necessary;

(2) have had close prolonged contact with a person who has or is suspected to have COVID-19, except:

- a. for medical personnel or emergency first responders who do not have or are not suspected to have COVID-19 and are present for court hearings/trial, or
- b. where the Department of Health has advised that quarantine is not necessary; or

(3) have traveled outside of Hawai‘i in the past 10 days and have not satisfied the negative test exception to the mandatory self-quarantine period, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

(4) Upon appropriate motion, the presiding judge may grant exceptions to these restrictions in extraordinary circumstances.

2. Any person entering First Circuit Judiciary facilities shall wear a face covering as described by the CDC and shall maintain appropriate social distancing of at least six feet (both inside and outside the courtroom).

3. Criminal trials, both jury and non-jury, may recommence, barring further public health or other developments that would make doing so imprudent. All jury trials shall comply with social or physical distancing mandates as ordered by federal, state, and county officials, and

shall be conducted in a manner that ensures the safety of Judiciary personnel, jurors, and court users. Any jury trial that cannot be conducted in such a manner shall be further postponed until such time that all court users' safety can be adequately safeguarded.

4. All criminal divisions shall conduct all other matters, motions and hearings (including evidentiary hearings), in compliance with all other court rules and orders, either remotely (*i.e.*, telephone, WebEx, Zoom or other video conferencing) or in person, as the criminal divisions may require. If the criminal division requires in-person proceedings, counsel and parties shall wear face coverings as described by the Centers for Disease Control and Prevention and shall maintain appropriate social or physical distancing of at least six feet (both inside and outside the courtroom).

5. This Order may be modified as circumstances warrant, but absent further action, this Order shall remain in effect.

It is so Ordered.

DATED: Honolulu, Hawai'i, June 1, 2021 .

/s/ R. Mark Browning



HON. R. MARK BROWNING, CHIEF JUDGE
First Circuit Court, State of Hawai'i