

**Electronically Filed
Supreme Court
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IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
PILOT PROJECT FOR REMOTE APPEARANCES BY
DEFENDANTS AT POST-ARRAIGNMENT, CHANGE-OF-PLEA HEARINGS

ORDER

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

In consideration of the ongoing public health crisis created by the current pandemic and the continued necessity of remote hearings in certain circumstances, and in consideration of the advances in technology which have markedly improved the effectiveness and sophistication of remote court appearances,

IT IS HEREBY ORDERED, notwithstanding any court rule to the contrary, including any relevant provisions of Rules 11 and 43 of the Hawai‘i Rules of Penal Procedure, that the Chief Court Administrator of each Circuit shall implement a two-year pilot project to allow for the remote, video appearance by defendants in post-arraignment, change-of-plea hearings, where the defendant has provided consent, the defendant’s identity has

been confirmed on the record, and the presiding judge deems such an appearance appropriate and warranted.

IT IS FURTHER ORDERED that the Permanent Committee on the Rules of Penal Procedure and Circuit Court Criminal Rules, currently chaired by Judge Shirley Kawamura, shall submit to this court, no later than April 15, 2023, a report regarding this pilot project, including the advisability of appropriate amendments to the Hawai'i Rules of Penal Procedure should the program be permanently adopted by this court.

DATED: Honolulu, Hawai'i, July 20, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

