

**NOTE: This information sheet is provided to give you general information about using the referenced form. This information sheet is not intended to give legal advice to any party. Anyone requiring such services should consult an attorney licensed to practice law in Hawai'i.**

## **INSTRUCTION SHEET FOR NON-HEARING MOTION FOR CHANGE OF VENUE (TRAFFIC CRIME/CRIME); and CERTIFICATE OF SERVICE**

### **WHEN SHOULD THIS FORM BE USED?**

The Non-Hearing Motion for Change of Venue (Traffic Crime/Criminal) may be used pursuant to the Hawai'i Rules of Penal Procedure ("HRPP") to **request** a transfer of venue if all of the following apply:

1. Your case is a District Court Traffic Crime or Criminal case only. This form is **not** to be used for Traffic Infraction or Civil cases.
2. You seek to transfer your case to another circuit. This form should **not** be used to request transfer of a case from one division to another division in the same circuit. For example, **do not** use this form to request transfer of the case from the Honolulu Division to the 'Ewa Division since both courts are within the same circuit. The District Court of each circuit is listed below:
  - a. District Court of the First Circuit – O'ahu
  - b. District Court of the Second Circuit – Includes Maui, Lana'i, and Moloka'i
  - c. District Court of the Third Circuit – Hawai'i
  - d. District Court of the Fifth Circuit – Kaua'i
3. You have not yet appeared for arraignment (see HRPP Rule 22).

### **HOW DO I MAKE SURE THAT MY MOTION IS COMPLETE?**

1. The form should be typed or printed clearly in black or blue ink. Do not leave any item blank.
2. Fill in your name, mailing address, city, state, zip code, and telephone number(s). The court's response will be mailed back to you at your mailing address.
3. Fill in the name of the circuit (i.e. First, Second, Third, or Fifth) that the case has been filed in.
4. Fill in the division (for example, Honolulu, Ka'u, Lana'i, etc. ) you are scheduled to appear in. This is on your Citation for Traffic Crime Arrest ("CTCA"), or court document for the case.
5. Fill in your name in the parties caption on the line above the word "Defendant."

6. Fill in the citation number of the CTCA or the Criminal Case ID Number that will be on the court document you received for the case.
7. In the first paragraph, fill in your name in the first blank line following “Defendant.” In the next blank line fill in the name of the circuit that you wish the case to be transferred to. Check off one of the appropriate boxes and provide appropriate information in the blank lines provided.
8. In the next paragraph, fill in the name of the circuit that you wish to have the case transferred to.
9. Fill in the date and city.
10. Sign your name.
11. Complete the certificate of service.
12. You must complete a separate motion for each citation number or Criminal Case ID Number.
13. Make a minimum of 6 copies for each motion that you submit for filing. Submit the original and copies for filing. Keep a copy for yourself.
14. When you receive the filed copies back from the clerk, you must serve the filed copies of the motion on:
  - a. the originating circuit’s prosecuting attorney, or if applicable, attorney general, and
  - b. any affected parties (for example, co-defendants or their counsels).
15. If you are not filing the Motion in the originating circuit, a \$10 filing fee is required.

### WHAT HAPPENS NEXT?

After reviewing your motion, the court will issue an Order Re: Non-Hearing Motion for Change of Venue (Traffic Crime/Crime) which will be mailed to the address you provided on the Non-Hearing Motion for Change of Venue (Traffic Crime/Criminal).

1. If the court **grants** your motion, the Order will specify the date, time, and location you are required to appear in court.
2. If the court **denies** your motion, you are required to appear at the location, date, and time previously indicated.
3. If you do not receive the court’s Order before your next court date, you are required to appear at the location, date, and time previously indicated.

Defendant's Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Telephone No. \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

STATE OF HAWAI'I,	)	Case ID/Citation No.:
	)	
	)	
vs.	)	
	)	
	)	
	)	NON-HEARING MOTION FOR CHANGE
	)	OF VENUE (TRAFFIC CRIME/CRIME);
	)	CERTIFICATE OF SERVICE
	)	
Defendant.	)	
_____	)	

**NON-HEARING MOTION FOR CHANGE OF VENUE (TRAFFIC CRIME/CRIME)**

Defendant \_\_\_\_\_

requests that this case be transferred to the District Court of the \_\_\_\_\_ Circuit

for the following reason(s):

- There is so great a prejudice against me that I cannot obtain a fair and impartial trial in this circuit (please explain): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- Most or all of the witnesses or parties reside in the circuit to which I request the case be transferred, and the interests of justice require transfer
  - I will appear and plead no contest or guilty to the charge(s)
  - Other: \_\_\_\_\_
- 

If the motion is granted, I will appear at the District Court of the \_\_\_\_\_ Circuit at a date/time to be set by the Court for hearing.

DATED: \_\_\_\_\_, at \_\_\_\_\_, Hawaii.

\_\_\_\_\_  
Defendant's Signature

**CERTIFICATE OF SERVICE**

I certify that on (date) \_\_\_\_\_, 20\_\_ I served the above-referenced Non-Hearing Motion on the Prosecuting Attorney by  hand delivery or  mail at the following address: \_\_\_\_\_

\_\_\_\_\_ and all other parties (co-defendants) or their attorney(s) by  hand delivery or  mail at the following address(es): \_\_\_\_\_

\_\_\_\_\_  
Defendant's Signature