

**Electronically Filed
Supreme Court
SCPW-19-0000021
04-MAR-2019
10:54 AM**

SCPW-19-0000021

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SAMUEL CAMPIFORMIO, Petitioner,

vs.

THE HONORABLE FA'AUUGA TO'OTO'O, Judge of the Circuit Court of
the First Circuit, State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 1CPC-18-0001728)

ORDER GRANTING IN PART PETITION FOR WRIT OF HABEAS CORPUS
AND/OR MANDAMUS

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

Upon consideration of petitioner Samuel Campiformio's petition for writ of habeas corpus and/or mandamus, filed on January 7, 2019, respondent State of Hawai'i's answer, filed on January 29, 2019, the respondent judge's answer, filed on January 30, 2019, the respective supporting documents, and the record, it appears that imposition of the amount of bail and any conditions thereof, if a defendant is bailable, should be based on a consideration of relevant factors pursuant to HRS Chapter 804 and applicable case law. See, e.g., Sakamoto v. Chang, 56

Haw. 447, 539 P.2d 1197 (1975); Pelekai v. White, 75 Haw. 357, 861 P.2d 1205 (1993); State v. Henley, 136 Hawai'i 471, 363 P.3d 319 (2015). The "Findings of Fact and Order Denying Motion for Reduction in Bail," filed on December 19, 2018, is insufficient for this court to determine whether the circuit court considered and applied the relevant factors in denying the motion for a bail reduction. Accordingly,

IT IS HEREBY ORDERED that the petition is granted in part. The "Findings of Fact and Order Denying Motion for Reduction in Bail," filed on December 19, 2018, is vacated, and the matter is remanded to the circuit court for further hearing on the November 27, 2018 "Motion for Reduction of Bail." The disposition of the "Motion for Reduction of Bail" shall include the rendering of relevant findings consistent with the requirements of statutory and applicable case law. In all other respects, the petition is denied.

IT IS HEREBY FURTHER ORDERED that the "Order Pertaining to Bail," filed on November 7, 2018 shall remain in effect pending the further hearing and the disposition of the "Motion for Reduction of Bail."

DATED: Honolulu, Hawai'i, March 4, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

