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SCPW-20-0000509

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

IN THE MATTER OF INDIVIDUALS IN CUSTODY
OF THE STATE OF HAWAI‘I

ORIGINAL PROCEEDING

ORDER DENYING PETITIONER'S
"MOTION TO COMPEL COMPLIANCE WITH THIS COURT'S ORDERS"
(By: Recktenwald, C.J., Nakayama, and McKenna, JJ.,
and Chief Judge Ginoza, assigned by reason of vacancy,
with Wilson, J., dissenting¹)

On August 24, 2020, in its response to the motion for clarification and/or reconsideration filed by respondent Nolan P. Espinda, Director of the Department of Public Safety ("DPS"), the Office of the Public Defender ("OPD") included a section entitled "Motion to Compel Compliance with this Court's Orders" ("Motion to Compel Compliance"). The OPD sought various forms of relief.

On August 27, 2020, DPS and Prosecuting Attorney Dwight Nadamoto each filed responses to the Motion to Compel Compliance. The responses addressed the issues or concerns raised by the OPD, and requested that the court deny the Motion to Compel Compliance.

¹ A dissent by Wilson, J., is forthcoming.

Upon consideration of the Motion to Compel Compliance, the respective responses, and the record in this matter, the requests in the Motion to Compel Compliance are not within the scope of the relief previously ordered by this court or are otherwise not sufficiently supported. Accordingly,

IT IS HEREBY ORDERED that the Motion to Compel Compliance is denied.

Additionally, this court notes that the daily lists provided by DPS identifying the names of released inmates appear to include inmates released on grounds other than this court's orders.

DATED: Honolulu, Hawai'i, September 1, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Lisa M. Ginoza

