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SCPW-22-0000608

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GARRETH A. GRAHAM, Petitioner,

vs.

CIRCUIT COURT, FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(1CPN-19-0000005)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of the petition for writ of mandamus filed on October 17, 2022, and the record, Graham's letters dated July 24 and August 24, 2022 are before Judge Rowena Somerville and appear to request a copy of the January 28, 2022 order dismissing Graham's Hawai'i Rules of Penal Procedure (HRPP) Rule 40 petition so that Graham may attach a copy of the order to a notice of appeal. The relief Graham seeks may be addressed by the circuit court in response to these letters. See Rules of the Circuit Courts of the State of Hawai'i

Rules 2.2.17, 2.2.19; see also HRPP Rules 40(g)(3), 49(b)(5), & 49(e)(3). An extraordinary writ is thus not warranted. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996). Accordingly,

It is ordered that the petition is denied.

It is further ordered that the appellate court clerk shall process the petition without payment of the filing fee.

It is finally ordered that the appellate clerk shall serve a copy of the petition and this order on Judge Rowena Somerville.

DATED: Honolulu, Hawai'i, November 29, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

