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SCPW-23-0000275

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ERNEST HORCAJO, III, Petitioner,

vs.

THE HONORABLE HENRY T. NAKAMOTO,
Judge of the Circuit Court of the Third Circuit,
State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(3CPN-20-0000003)

ORDER DISMISSING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Castagnetti and Circuit Judge Souza,
assigned by reason of vacancies)

Upon consideration of the petition for writ of mandamus filed on April 5, 2023, the answers to the petition filed on May 8, 2023, and the record, Respondent Judge has provided the relief sought in this original proceeding by acting on Petitioner's pending Hawai'i Rules of Penal Procedure Rule 40 proceeding.

It is ordered that the petition is dismissed as moot.

DATED: Honolulu, Hawai‘i, May 22, 2023

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Jeannette H. Castagnetti

/s/ Kevin A.K. Souza

