

**Electronically Filed
Supreme Court
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SCPW-23-0000329

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ANTONE K. HOAPILI, Petitioner,

vs.

HAWAI'I PAROLING AUTHORITY, Respondent-Agency,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(1CPC-20-0000738)

ORDER DENYING PETITION FOR WRIT OF PROHIBITION AND/OR MANDAMUS

(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Ochiai and Circuit Judge Ashford,
assigned by reason of vacancies)

Upon consideration of the petition for writ of prohibition and/or mandamus filed on May 2, 2023, and the record, this court has applied the standard applicable to public officials in original proceedings seeking an extraordinary writ against the Hawai'i Paroling Authority (HPA).

To that end, this court does not have authority to issue a writ of prohibition directed to a public official. See HRS § 602-5(a)(3) (2016) (“(a) Except as otherwise provided, the supreme court shall have jurisdiction and powers as follows: . . . (3) To exercise original jurisdiction . . . if the supreme court consents to receive the case arising under writs of mandamus directed to public officers to compel them to fulfill the duties of their offices[.]” (Emphases added)); Hawai‘i Rules of Appellate Procedure Rule 21(b) (2023) (writs of mandamus directed to a public officer).

Instead: “Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual’s claim is clear and certain, the official’s duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available.” Barnett v. Broderick, 84 Hawai‘i 109, 111, 929 P.2d 1359, 1361 (1996).

A duty is ministerial if the law prescribes and defines the duty to be performed with such precision and certainty as to leave nothing to the exercise of discretion and judgment. Salling v. Moon, 76 Hawai‘i 273, 274 n.3, 874 P.2d 1098, 1099 n.3 (1994).

Here, Petitioner has not demonstrated a duty that the HPA must be compelled to perform, and that the identified duty is defined with such precision and certainty as to leave nothing to

the exercise of discretion and judgment. Petitioner instead asserts that the HPA is prohibited or should be prevented from holding a sex offender determination hearing.

It is ordered that the petition is denied.

DATED: Honolulu, Hawai'i, July 24, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Dean E. Ochiai

/s/ James H. Ashford

