

**Electronically Filed
Supreme Court
SCPW-23-0000358
14-AUG-2023
08:56 AM
Dkt. 35 ODDP**

SCPW-23-0000358

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SAMUEL CARTER,
Petitioner,

vs.

THE HONORABLE RONALD G. JOHNSON,
Judge of the Circuit Court of the First Circuit,
State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(1CPC-22-0001081)

ORDER DENYING PETITION FOR EXTRAORDINARY WRIT
(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Watanabe and Circuit Judge Kawano,
assigned by reason of vacancies)

This court denied Petitioner's May 24, 2023 petition for writ of habeas corpus by order filed on July 5, 2023. On July 21, 2023, Petitioner filed an "Application for Extraordinary Writ" on the same basis as the May 24, 2023 petition for writ of

habeas corpus, except Petitioner requests that the extraordinary writ be granted by the Intermediate Court of Appeals (ICA).

The ICA does not have jurisdiction to consider a request for an extraordinary writ. See Hawai'i Revised Statutes (HRS) § 602-57 (2016). It is this court that has jurisdiction to consider such a request. HRS § 602-5(a)(3) (2016).

Upon consideration of the "Application for Extraordinary Writ" filed on July 21, 2023, and the record, Petitioner's request for an extraordinary writ is denied because an extraordinary writ is not meant to be used to supersede a circuit court judge's discretionary authority. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999).

DATED: Honolulu, Hawai'i, August 14, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Kathleen N.A. Watanabe

/s/ Kelsey T. Kawano

