

**Electronically Filed
Supreme Court
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SCPW-23-0000061

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DONALD B. MARKS,
Petitioner,

vs.

THE HONORABLE TRISH K. MORIKAWA,
Judge of the Circuit Court of the First Circuit,
State of Hawai‘i, Respondent Judge,

and

STATE OF HAWAI‘I,
Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1CPN-21-0000002)

ORDER DISMISSING PETITION
(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Crabtree and Circuit Judge Kawashima,
assigned by reason of vacancies)

Upon consideration of the renewed petition filed on October 24, 2023, the answer filed on December 7, 2023, and the record, the Respondent Judge filed findings of fact, conclusions of law, and an order denying Petitioner’s Hawai‘i Rules of Penal Procedure Rule 40 petition without a hearing.

It is ordered that the renewed petition is dismissed as moot.

DATED: Honolulu, Hawai'i, December 13, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Jeffrey P. Crabtree

/s/ James S. Kawashima

