

Electronically Filed
Supreme Court
SCPW-23-0000721
06-MAR-2024
09:33 AM
Dkt. 11 ODDP

SCPW-23-0000721

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DEXTER SMITH, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1CPN-23-0000030)

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

(By: Recktenwald, C.J., McKenna, and Eddins, JJ.,
Circuit Judge Cataldo in place of Ginoza, J., recused,
and Circuit Judge Malinao in place of Devens, J., recused)

Upon consideration of the petition for writ of habeas corpus filed December 11, 2023, and the record, court inaction may be addressed through a writ of mandamus issued to the circuit court. Petitioner has not presented a special reason for this court to invoke its original jurisdiction in a habeas corpus proceeding. See Oili v. Chang, 57 Haw. 411, 412, 557 P.2d 787, 788 (1976); see also Gordon v. Maesaka-Hirata, 143 Hawai'i 335, 360 n.36, 431 P.3d 708, 733 n.36 (2018) (noting that

habeas corpus may be available pre-conviction, but not as post-conviction relief due to Hawai'i Rules of Penal Procedure Rule 40(a) (2006)).

It is ordered that the petition is denied.

DATED: Honolulu, Hawai'i, March 6, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa W. Cataldo

/s/ Clarissa Y. Malinao

