

**Electronically Filed
Intermediate Court of Appeals
CAAP-20-0000370
23-APR-2024
08:02 AM
Dkt. 153 OGMD**

NO. CAAP-20-0000370

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

BRYAN SUITT, Petitioner-Appellant,
v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1PR161000011)

ORDER

(By: Leonard, Acting Chief Judge and Hiraoka, J.
and DeWeese, Third Circuit Court J. (in place of Wadsworth,
Nakasone, McCullen and Guidry, JJ., recused))

Upon consideration of "Respondent-Appellee State of Hawaii's **Motion** to Dismiss Claims Against the Hawai'i Paroling Authority in this Appeal as Moot" filed on April 5, 2024, the papers in support, the record, and no response having been filed by Petitioner-Appellant Bryan **Suitt**, it appears that:

1. Ground 54 of Suitt's Hawai'i Rules of Penal Procedure (**HRPP**) Rule 40 petition alleged errors by the Hawai'i Paroling Authority (**HPA**) in setting Suitt's minimum term in 2016;
2. On December 1, 2023, HPA set a new minimum term for Suitt;
3. On February 9, 2024, Suitt filed an HRPP Rule 40 petition challenging the minimum term set by HPA in 2023, No. 1CPN-24-0000003; and

4. Ground 54 of Suitt's HRPP Rule 40 petition is moot.

Therefore, IT IS HEREBY ORDERED that the State's Motion is granted, and the appeal from the claim against HPA (Ground 54) is dismissed.

DATED: Honolulu, Hawai'i, April 23, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Wendy M. DeWeese
Third Circuit Court Judge