

**Electronically Filed
Supreme Court
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SCPW-24-0000392

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DONALD MARKS, Petitioner,

vs.

STATE OF HAWAI‘I, Respondent.

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

ORDER DENYING MOTION FOR RECONSIDERATION

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

Upon consideration of the motion for special leave for additional time and reconsideration of this court's August 15, 2024 order denying the petition without prejudice, and the record, the request for additional time to file a motion for reconsideration is granted. The motion for reconsideration filed on September 10, 2024, is timely. See Hawai‘i Rules of Appellate Procedure (HRAP) Rule 40(a) (2023).

As to Petitioner's motion for reconsideration, this court has not overlooked or misapprehended points of law or fact.¹ See HRAP Rule 40(b).

It is ordered that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, September 16, 2024.

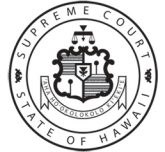
/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Jeannette H. Castagnetti



¹ The circuit court denied the motions for appointment of counsel in the order that denied the Hawai'i Rules of Penal Procedure Rule 40 petition.