

**Electronically Filed
Supreme Court
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SCPW-26-0000193

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner,

vs.

THE HONORABLE JAMES S. KAWASHIMA,
Judge of the Circuit Court of the First Circuit,
State of Hawai'i, Respondent Judge,

and

TONY JOHNSON, also known as Samuel Carter,
Michael Carter, Tony Carter, "Chicago," Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1CPC-22-0001081)

ORDER DENYING PETITION

(By: McKenna, Acting C.J., Eddins, Ginoza, and Devens, JJ.,
and Circuit Judge Wong, assigned by reason of vacancy)

Upon consideration of the petition for extraordinary writ filed March 16, 2026, and the record, including the records of 1CPC-25-0001057 and 1CPC-23-0000135, we discern that Respondent Judge excluded Manuel Thomas (Thomas) as a trial witness for Petitioner State of Hawai'i (State) for the following reasons:

(1) the State violated Rule 16(b)(1)(vii) of the Hawai'i Rules of Penal Procedure by failing to provide Respondent with information by February 26, 2026, addressing Thomas's availability to testify at trial;

(2) the State's failure to serve Thomas the subpoena by February 26, 2026, prejudiced Respondent's ability to prepare for trial; and

(3) allowing the State a continuance to subpoena Thomas in lieu of excluding Thomas as a State witness was unjustified when the State had multiple opportunities to serve the subpoena on Thomas at court hearings that occurred since September 30, 2025, in 1CPC-25-0001057 and 1CPC-23-0000135, and Respondent has already declared ready for trial.

We conclude Petitioner has not established a flagrant and manifest abuse of discretion constituting extraordinary circumstances to warrant a writ. See Womble Bond Dickinson (US) LLP v. Kim, 153 Hawai'i 307, 319, 537 P.3d 1154, 1166 (2023).

It is ordered that the petition is denied.

DATED: Honolulu, Hawai'i, April 6, 2026.

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

/s/ Paul B.K. Wong

