

**Electronically Filed
Supreme Court
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SCWC-23-0000737

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DONALD B. MARKS,
Petitioner/Petitioner-Appellant,

v.

STATE OF HAWAI‘I,
Respondent/Respondent-Appellee.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-23-0000737; CASE NOS. 1CPN-21-0000002 and 1PC021002410)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI
(By: McKenna, Acting C.J., Eddins, and Ginoza, JJ.,
Circuit Judge DeWeese, in place of Devens, C.J., recused,
and Circuit Judge Kubota, assigned by reason of vacancy)

Pursuant to this court’s discretion set forth in
Hawai‘i Revised Statutes (“HRS”) § 602-59(a), Petitioner’s
Application for Writ of Certiorari, filed on July 16, 2026, is
hereby accepted and oral argument will be scheduled. The
parties will be notified by the appellate clerk regarding
scheduling.

Under Hawai‘i Rules of Appellate Procedure Rule 40.1,
this court “may limit the question on review.” Here, the
parties shall limit oral argument to whether Hawai‘i’s statutory

sentencing scheme under HRS §§ 706-656 and 706-669 violates the separation of powers doctrine, i.e., whether the Hawai'i Paroling Authority's ("HPA") authority in general and to determine a convicted defendant's minimum term of imprisonment violates the separation of powers doctrine as well as other provisions of the U.S. and the Hawai'i Constitution as argued by the petitioner.

DATED: Honolulu, Hawai'i, September 14, 2026.

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Wendy M. DeWeese

/s/ Peter K. Kubota

