

**Electronically Filed
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SCPW-21-0000337

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MARK D. CAIRES, Petitioner,

vs.

THE HONORABLE ROBERT D.S. KIM,
Judge of the Circuit Court of the Third Circuit,
State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 3PC02100157K)

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of petitioner Mark D. Caires's motion for reconsideration, which was submitted for filing on July 12, 2021, and the record, the motion for reconsideration is untimely. See HRAP Rule 40(a) ("A motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion, dispositional order, or ruling unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved."). Even considering the merits of the motion, the requested relief is not warranted and

this court did not overlook or misapprehend any points of law or fact in denying the petition for writ of mandamus. See HRAP Rule 40(b) (a motion for reconsideration "shall state with particularity the points of law or fact that the moving party contends the court has overlooked or misapprehended[.]").

Accordingly,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, July 22, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

