

SUPREME COURT OF THE STATE OF HAWAI‘I

State v. Kawashima

State v. Kawashima · No. SCPW-26-0000193 · Decided April 6, 2026

SUMMARY

The Supreme Court of Hawai‘i denied the State’s petition for an extraordinary writ challenging the exclusion of Manuel Thomas as a trial witness. The court concluded that the State had not shown a flagrant and manifest abuse of discretion or extraordinary circumstances warranting relief, where the State failed to provide required witness-availability information and timely serve a subpoena.

CASE DETAILS

COURT	Supreme Court of the State of Hawai‘i
WRITING FOR THE COURT	Sabrina S. McKenna, Acting Chief Justice; Todd W. Eddins, Justice; Lisa M. Ginoza, Justice; Vladimir P. Devens, Justice; Paul B.K. Wong, Circuit Judge, assigned by reason of vacancy
JURISDICTION	Supreme Court of the State of Hawai‘i
DECIDED	April 6, 2026
DOCKET	SCPW-26-0000193
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The State of Hawai‘i petitioned the Hawai‘i Supreme Court for an extraordinary writ challenging the trial judge's exclusion of Manuel Thomas as a State trial witness.
STANDARD OF REVIEW	Extraordinary-writ review requires a showing of a flagrant and manifest abuse of discretion constituting extraordinary circumstances.
PRECEDENTIAL VALUE	Published
PARTIES	State of Hawai‘i v. The Honorable James S. Kawashima, Judge of the Circuit Court of the First Circuit, State of Hawai‘i, Tony Johnson, also known as Samuel Carter, Michael Carter, Tony Carter, and “Chicago”

TOPICS

- writ of certiorari
- appellate procedure
- criminal procedure
- evidence
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court's exclusion of Manuel Thomas as a State trial witness constituted a flagrant and manifest abuse of discretion warranting an extraordinary writ.

HOLDINGS

1. The State failed to establish a flagrant and manifest abuse of discretion constituting extraordinary circumstances; therefore, the petition for an extraordinary writ was denied.

KEY QUOTATIONS

"We conclude Petitioner has not established a flagrant and manifest abuse of discretion constituting extraordinary circumstances to warrant a writ." (at 2)

FACTUAL BACKGROUND

The trial court excluded Manuel Thomas as a State witness because the State did not provide information concerning Thomas's availability by February 26, 2026, as required by Rule 16(b)(1)(vii), and did not serve him with a subpoena by that date. The trial court found that the failure prejudiced trial preparation and that a continuance was unjustified because the State had multiple opportunities to serve Thomas at hearings since September 30, 2025, while the opposing party had already declared ready for trial.

PROCEDURAL HISTORY

The Circuit Court of the First Circuit excluded Manuel Thomas as a trial witness after finding that the State violated Hawai'i Rules of Penal Procedure Rule 16(b)(1)(vii), failed to timely serve Thomas with a subpoena, prejudiced trial preparation, and lacked justification for a continuance. The State filed a petition for an extraordinary writ, which the Hawai'i Supreme Court denied.

DISPOSITION

writ_denied

CASES CITED

- Womble Bond Dickinson (US) LLP v. Kim, 153 Hawai'i 307, 319, 537 P.3d 1154, 1166 (2023)

OPINION**PER CURIAM.**

Electronically Filed Supreme Court SCPW-XX-XXXXXXX 06-APR-2026 01:16 PM Dkt. 7
ODDP SCPW-XX-XXXXXXX 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-XX-XXXXXXX) 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-XX-XXXXXXX and 1CPC-XX-XXXXXXX, 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-XX-XXXXXXX and 1CPC-XX-XXXXXXX, 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.

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