

**NOT FOR PUBLICATION**

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NO. 24764

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

RICHARD BLAISDELL, Petitioner-Appellant, v.  
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(S.P.P. No. 01-1-0016 (Cr. No. 92-2513))

SUMMARY DISPOSITION ORDER

(By: Burns, C.J. Watanabe, and Lim, JJ.)

Petitioner-Appellant Richard Blaisdell (Blaisdell) appeals the "Findings of Fact, Conclusions of Law and Order Granting [Respondent-Appellee State of Hawai'i's (the State)] Motion to Strike Petition for Post-Conviction Relief[,]" entered by the Circuit Court of the First Circuit (the circuit court), Judge Victoria S. Marks presiding, on November 14, 2001.

Blaisdell argues that the circuit court erred by granting the State's motion to strike his May 8, 2001 Hawai'i Rules of Penal Procedure (HRPP) Rule 40 petition because his petition "alleged a colorable claim deserving an evidentiary hearing pursuant to [HRPP] Rule 40(f)[.]"

The record shows that the issues raised by Blaisdell in his May 8, 2001 HRPP Rule 40 petition were either previously ruled on, waived, or "patently frivolous[.]" Accordingly, the circuit court did not err in striking the petition. See Stanley v. State, 76 Hawai'i 446, 449, 879 P.2d 551, 554 (1994) ("Where

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examination of the record of the trial court proceedings indicates that the petitioner's allegations show no colorable claim, it is not error to deny the petition without a hearing").

We therefore affirm the Findings of Fact, Conclusions of Law and Order Granting State's Motion to Strike Petition for Post-Conviction Relief, entered on November 14, 2001.

DATED: Honolulu, Hawai'i, June 9, 2003.

On the briefs:

Dana S. Ishibashi for  
petitioner-appellant.

James M. Anderson,  
Deputy Prosecuting Attorney,  
City and County of Honolulu,  
for respondent-appellee.