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BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568 for
the Thirty Meter Telescope at the Mauna Kea
Science Reserve, Ka'ohē Mauka, Hāmākua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

**TMT INTERNATIONAL OBSERVATORY,
LLC'S POSITION STATEMENT RE:
WILLIAM FREITAS MOTION TO
PROCEDURAL CLARIFICATION
CONCERNING TRANSCRIPT ERRORS
[DOC. NO. 633]; CERTIFICATE OF
SERVICE**

**TMT INTERNATIONAL OBSERVATORY, LLC'S POSITION STATEMENT
RE: WILLIAM FREITAS MOTION TO PROCEDURAL CLARIFICATION
CONCERNING TRANSCRIPT ERRORS [DOC. NO. 633]**

TMT International Observatory, LLC ("TIO"), by and through its undersigned counsel,
hereby submits its Position Statement Re: William Freitas Motion to Procedural Clarification
Concerning Transcript Errors ("Motion"). In the Motion, Mr. Freitas alleges certain errors in

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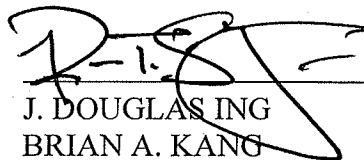
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

certain transcripts from the Contested Case Hearing. Mr. Freitas' sole request for relief in the Motion is for the Hearing Officer to personally advise him as to how to "make rectifications of the transcript." Id. TIO submits this Position Statement in response to Mr. Freitas' request in the Motion.

Mr. Freitas is pro se in this case. Mr. Freitas' pro se status, however, does not entitle him to receive or obligate this Hearing Officer to provide him with personal instruction on legal procedure. To the contrary, the United States Supreme Court stated in McKaskle v. Wiggins, 465 U.S. 168 (1984) that "[a] [pro se] defendant does not have a constitutional right to receive personal instruction from the trial judge on courtroom procedure. Nor does the Constitution require judges to take over chores for a pro se defendant that would normally be attended to by trained counsel as a matter of course." Id. at 183-184; see also Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 243 (3rd Cir. 2013) (noting that "there is no case law requiring courts to provide general legal advice to pro se parties" and that "[i]n a long line of cases, the Supreme Court has repeatedly concluded that courts are under no such obligation [to provide general legal advice to pro se parties]") (emphasis in original).

Consequently, Mr. Freitas does not have "a constitutional right" to receive the advice he is requesting from the Hearing Officer in the Motion. The Hearing Officer is also under no obligation to provide Mr. Freitas the advice he is requesting in the Motion.

DATED: Honolulu, Hawaii, May 22, 2017.



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BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF

A Contested Case Hearing Re Conservation District Use Permit (CDUP) HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Kaohe Mauka, Hamakua District, Island of Hawaii, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

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The undersigned hereby certifies that the foregoing document was served upon the following parties by the means indicated:

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