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Supreme Court
SCPW-11-0000012
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NO. SCPW-11-0000012

IN THE SUPREME COURT OF THE STATE OF HAWAII

EDWARD A. SMITH, Petitioner,

vs.

THE HONORABLE DERRICK H.M. CHAN, JUDGE OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(P. NO. 88-0030)

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, and Duffy,
and Circuit Judge McKenna, assigned by reason of vacancy)

Upon consideration of petitioner Edward A. Smith's papers filed on January 6, 2011, which are deemed a petition for a writ of mandamus, it appears that petitioner fails to demonstrate a clear and indisputable right to relief from the respondent judge's decision on the October 22, 2009 petitions and petitioner can appeal the decision to the intermediate court of appeals. Therefore, petitioner is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested

action. Such writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.). Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fees.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, January 18, 2011.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

