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Supreme Court
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SCPW-12-0001014

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

MICHAEL C. TIERNEY, Petitioner,

vs.

RANDALL HIRONAKA, Court-Appointed Attorney, Respondent.

ORIGINAL PROCEEDING

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of Petitioner Michael C. Tierney's petition for a writ of mandamus, which was filed on November 16, 2012, and the record, it appears that petitioner is not entitled to mandamus relief inasmuch as (1) court-appointed counsel, Randall Hironaka, filed a motion to withdraw as counsel in Cr. No. 08-1-0869 on December 10, 2012, and (2) petitioner can seek the appointment of new counsel, as appropriate, in the circuit court. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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 petition for a writ of mandamus is (1) denied as moot as to petitioner's request for court-appointed counsel to file a motion to withdraw as counsel, and (2) denied as to petitioner's request for the appointment of new counsel.

DATED: Honolulu, Hawai'i, December 24, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

