

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000472

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHRIS GRINDLING, Petitioner,

vs.

ATTORNEY GENERAL, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of petitioner Chris Grindling's petition for a writ of mandamus, it appears that HRS § 831-3.2(a) does not permit expungement of petitioner's records of arrest for: (1) HRS § 804-7.2 and HRS § 706-626, which are not crimes; (2) HRS § 291C-85 and HRS § 291C-166, which are violations for which petitioner was found guilty; and (3) HRS § 708-826 for which "no disposition could be found." It further appears that HRS § 831-3.2(a)(2) does not permit expungement of petitioner's record of arrest for HRS § 329C-2 until after August 30, 2012. It finally appears that petitioner provides no proof of a written application to the Attorney General for expungement of the record of arrest for HRS § 710-1077. Therefore, petitioner is not entitled to mandamus relief. See HRS § 831-3.2(a); 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.); In re Disciplinary Bd. of Hawaii Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999) (Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available.).

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 fee.

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

DATED: Honolulu, Hawai'i, May 17, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

