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Supreme Court
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SCPW-13-0000409

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ANTHONY BENITEZ, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(Cr. No. 11-1-1004)

ORDER DENYING PETITION FOR RELIEF

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

Upon consideration of petitioner Anthony Benitez, also known as Anthony Richardson's petition for relief, which was filed on April 12, 2013, and which we review as a petition for a writ of mandamus, it appears that petitioner does not have a clear and indisputable right to an immediate review of the incarceration process and petitioner has alternative means to seek relief. 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). Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for relief without payment of the filing fee.

IT IS HEREBY FURTHER ORDERED that the petition for relief is denied.

DATED: Honolulu, Hawai'i, April 26, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

