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Supreme Court
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SCPW-13-0000054

IN THE SUPREME COURT OF THE STATE OF HAWAII

CLYDE MITSURU HAYAKAWA, Petitioner,

vs.

STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(S.P.P. NO. 11-1-0033; CR. NO. 08-1-1927)

ORDER DENYING WITHOUT PREJUDICE
PETITION FOR WRIT OF HABEAS CORPUS

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

Upon review of petitioner Clyde Mitsuru Hayakawa's document entitled "Habeas Corpus", filed on January 29, 2013, which we treat as a petition for a writ of habeas corpus, and the record, it appears that the relief sought by petitioner is not the appropriate subject of a petition for a writ of habeas corpus. Petitioner has alternative forums within which to seek relief and fails to present any special reason for invoking the supreme court's original jurisdiction. See Oili v. Chang, 57 Haw. 411, 412, 557 P.2d 787, 788 (1976) (the supreme court "will not exercise its original jurisdiction in habeas corpus proceedings when relief is available in a lower court and no

special reason exists for invoking its jurisdiction").

Therefore,

IT IS HEREBY ORDERED that the petition for a writ of habeas corpus is denied without prejudice to any filings, as appropriate, in circuit court.

DATED: Honolulu, Hawai'i, February 25, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

