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Supreme Court
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SCPW-13-0001433

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

JOHN WAGNER, Petitioner,

vs.

ATTORNEY ROBERT KIM, DEPUTY PROSECUTING ATTORNEY LINDA
WALTON, THE HONORABLE ELIZABETH STRANCE, CIRCUIT
COURT OF THE THIRD CIRCUIT, Respondents.

ORIGINAL PROCEEDING
(CR. No. 98-227K)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner John Wagner’s petition for a writ of mandamus, filed May 30, 2013, and the record, it appears that petitioner has alternative means to seek relief and, therefore, is not entitled to a writ of mandamus. 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). Therefore,

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

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

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

