

Electronically Filed
Supreme Court
SCPW-13-0000115
20-MAR-2013
02:33 PM

SCPW-13-0000115

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

THE HONORABLE RICHARD K. PERKINS OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT OF THE STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 88-2209; CR. NO. 89-0024;
CAAP-11-0000016; SCWC-11-0000016)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(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 February 27, 2013, and the record, it appears that the issue has already been decided by Hawai'i's appellate court and will not be disturbed here. Petitioner is not entitled to mandamus relief. 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). Accordingly,

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

DATED: Honolulu, Hawai'i, March 20, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

