

**Electronically Filed
Supreme Court
SCPW-13-0000390
24-MAY-2013
03:11 PM**

SCPW-13-0000390

IN THE SUPREME COURT OF THE STATE OF HAWAII

MONTY V. RIDEOUT, Petitioner,

vs.

STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(S.P.P. No. 13-1-001K)

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

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

Upon review of petitioner Monty V. Rideout's "Motion for Release Under H.R.A.P. Rule 23(b) Pursuant to Pending Rule 40 SSP 13-1-001K", which was filed on April 5, 2013, and which we treat as a petition for a writ of habeas corpus, the supporting and supplemental documents, and the record, it appears that petitioner, who is currently seeking post-conviction relief in the circuit court, can seek habeas relief in the circuit court and presents no special reason for the supreme court to invoke its original jurisdiction at this time. See Oili v. Chang, 57 Haw. 411, 412, 557 P.2d 787, 788 (1976). Moreover, petitioner fails to demonstrate that his release from custody pending the

disposition of his post-conviction proceeding is fitting under the circumstances. See HRAP Rule 23(b). Therefore,

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

DATED: Honolulu, Hawai'i, May 24, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

