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Supreme Court
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SCPW-13-0003189

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GERALD VILLANUEVA, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 96-0078)

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

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

Upon consideration of petitioner Gerald Villanueva's petition for a writ of habeas corpus, which was filed on September 4, 2013, the documents attached thereto and submitted in support thereof, and the record, it appears that habeas corpus relief is available to petitioner in the circuit court and petitioner 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) (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").

Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of habeas corpus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, September 13, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

