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Supreme Court
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SCPW-13-0004021

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DAVID T. FLEMING, Petitioner,

vs.

THE HONORABLE RHONDA I.L. LOO, JUDGE OF THE CIRCUIT
COURT OF THE SECOND CIRCUIT, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 06-1-0570(1))

ORDER DISMISSING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of Petitioner David T. Fleming's petition for a writ of mandamus, filed on October 15, 2013, the State of Hawai'i's response, filed on February 26, 2014, the respective supporting documents and supplemental submissions, and the record, it appears that Petitioner was sentenced by the circuit court on July 18, 2014, and, therefore, the issues raised

in the petition are moot or Petitioner has alternative means in which to seek relief from issues related to the circuit court proceedings. 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 oral argument is no longer necessary in this matter.

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

DATED: Honolulu, Hawai'i, August 5, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

