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Supreme Court
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SCPW-13-0005780

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DAVID T. FLEMING, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

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

ORDER DENYING WITHOUT PREJUDICE
PETITION FOR WRIT OF HABEAS CORPUS

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

Upon consideration of petitioner David T. Fleming's petition for a writ of habeas corpus, filed on November 27, 2013, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner is seeking similar relief pursuant to a petition for a writ of mandamus, filed on October 15, 2013, in SCPW-13-0004021. The court, therefore, can address the issues raised in the petition for a writ of habeas corpus together with the issues raised in the petition for a writ of mandamus. Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of habeas corpus is denied without prejudice to the court reviewing the issues in conjunction with the petition for a writ of mandamus.

DATED: Honolulu, Hawai'i, January 17, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

