

**Electronically Filed
Supreme Court
SCPW-14-0001273
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SCPW-14-0001273

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GERALD VILLANUEVA, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CAAP-14-0000809; CR. NO. 96-0078)

ORDER DENYING WITHOUT PREJUDICE PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson JJ.)

Upon consideration of petitioner Gerald Villanueva's petition for a writ of mandamus, filed on November 3, 2014, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioner, who is seeking relief from the Intermediate Court of Appeals in CAAP-14-0000809, fails to demonstrate that he has a clear and indisputable right to relief from this court or that he lacks alternative means to seek relief. Petitioner, therefore, is not entitled to a writ of mandamus. 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 clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

IT IS HEREBY FURTHER ORDERED that the petition for a writ of mandamus is denied without prejudice to Petitioner seeking relief, as appropriate, in CAAP-14-0000809.

DATED: Honolulu, Hawai'i, November 20, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

