

**Electronically Filed
Supreme Court
SCPW-15-0000236
20-APR-2015
10:39 AM**

SCPW-15-0000236

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KAIULA KALAWE ENGLISH and ROBIN WAINUHEA DUDOIT, Petitioners,

vs.

THE HONORABLE JOSEPH E. CARDOZA, JUDGE OF THE CIRCUIT
COURT OF THE SECOND CIRCUIT, STATE OF HAWAI'I, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 14-1-0819(3); CR. NO. 14-1-0820(3))

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of Petitioners Kaiula Kalawe English and Robin Wainuhea Dudoit's petition for a writ of mandamus, filed on March 27, 2015, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioners fail to demonstrate that they have a clear and indisputable right to have their criminal cases dismissed or that the Respondent Judge committed a flagrant and manifest abuse of discretion in denying the motions to dismiss. Petitioners, therefore, are not entitled to extraordinary relief. See Kema v.

Gaddis, 91 Hawai‘i 200, 204-05, 982 P.2d 334, 338-39 (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; where a court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

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

DATED: Honolulu, Hawai‘i, April 20, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

