

NO. 30714

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DEMONT R. D. CONNER Petitioner,

vs.

THE HONORABLE VIRGINIA L. CRANDALL, JUDGE OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(SPP NO. 06-1-0021)

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ.
and Circuit Judge Ayabe, assigned by reason of vacancy)

Upon consideration of petitioner DeMont R. D. Conner's petition for a writ of mandamus, it appears that the Findings of Fact, Conclusions of Law, and Order entered on August 31, 2010 in SPP No. 061-1-0021 is appealable by petitioner pursuant to HRAP 40(h) and HRS § 641-11 (Supp. 2009). Therefore, petitioner is 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. Such writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.). 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 FURTHER ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, September 16, 2010.