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Supreme Court
SCPW-13-0000617
28-JUN-2013
11:28 AM

SCPW-13-0000617

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GERALD VILLANUEVA, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. No. 96-0078, No. 20220, NO. 30137)

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

Upon consideration of petitioner Gerald Villanueva's motion for a writ of mandamus, and the record, it appears that petitioner fails to demonstrate that his sentence is "wrong" and has alternative means to seek relief. Petitioner, therefore, is not entitled to mandamus relief. 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 appellate court shall process the motion for a writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, June 28, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

