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Supreme Court  
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NO. SCPW-10-0000055

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Petitioner,

vs.

THE HONORABLE KAREN S.S. AHN, JUDGE OF THE CIRCUIT  
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I and  
ROYNES JOSEPH DURAL, II, Respondents.

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ORIGINAL PROCEEDING

(S.P.P. No. 09-1-0015 (CR. NO. 02-1-2791))

ORDER

(By: Nakayama, Acting C.J., Acoba, and Duffy, JJ., and Circuit Judge Crandall, in place of Recktenwald, C.J., recused, and Circuit Judge Lee, assigned by reason of vacancy)

Upon consideration of petitioner State of Hawaii's petition for a writ of mandamus, it appears that petitioner fails to demonstrate a clear and indisputable right to relief. Therefore, petitioner is not entitled to extraordinary relief. See HRS § 602-5(3) (Supp. 2009) ("The supreme court shall have jurisdiction and power . . . to exercise original jurisdiction in all questions arising under writs directed to courts of inferior jurisdiction and returnable before the supreme court."); 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. 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 petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, November 17, 2010.

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Virginia L. Crandall

/s/ Randal K.O. Lee

