

**Electronically Filed
Supreme Court
SCPW-10-0000127
17-NOV-2010
03:15 PM**

NO. SCPW-10-0000127

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

RAYMOND GONSALVES, Petitioner,

vs.

CLAYTON FRANK, DIRECTOR OF THE DEPARTMENT OF
PUBLIC SAFETY, STATE OF HAWAI‘I, Respondent.

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of petitioner Raymond Gonsalves' petition for a writ of mandamus and the papers in support, 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) (2009) ("The supreme court shall have jurisdiction and power . . . [t]o exercise original jurisdiction in all questions . . . arising under writs of mandamus directed to public officers to compel them to fulfill the duties of their offices[.]"); 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 petition for a writ of mandamus is denied. The request to submit additional exhibits is also denied.

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

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Rom A. Trader

