

**Electronically Filed
Supreme Court
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NO. SCPW-11-00000120

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

ARWIN R. ECHINEQUE, Petitioner,

vs.

HAWAI‘I PAROLING AUTHORITY, Respondent.

ORIGINAL PROCEEDING

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, Duffy, and McKenna, JJ.)

Upon consideration of petitioner Arwin R. Echineque’s “Complaint” to the intermediate court of appeals, which is treated as a petition for a writ of mandamus to the supreme court, it appears that petitioner was sentenced in Cr. No. 06-1-1633 to five years imprisonment for assault and one year imprisonment for terroristic threatening, to be served consecutively. The Hawaii Paroling Authority’s (HPA) original minimum term expiration date of August 4, 2011 apparently did not account for petitioner’s one-year consecutive sentence for terroristic threatening and the HPA apparently corrected the expiration date to August 2, 2012. Therefore, petitioner fails to demonstrate a clear and disputable right to relief. See HRS § 602-5(3) (Supp. 2010) (The supreme court has jurisdiction and

power to issue writs of mandamus directed to public officers to compel them to fulfill the duties of their offices.); In Re Disciplinary Bd. Of Hawaii Supreme Court, 91 Hawai'i 363, 368, 984 P.2d 688, 693 (1999) (Mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available.).

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, March 9, 2011.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

