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Supreme Court
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NO. SCPW-12-0000627

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MICHAEL C. TIERNEY, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING

(CR. NO. 08-1-0869 (S.P.P. 12-1-0011); 1P108-6561)

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

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

Upon consideration of petitioner Michael C. Tierney's July 10, 2012 petition for a writ of habeas corpus and the papers in support, the July 19, 2012 amendments to the petition, and the record, it appears that habeas corpus relief is available to petitioner in the circuit court pursuant to HRS § 660-3 (1993), other judicial remedies, including post-conviction relief, are available in both the district court and the circuit court and petitioner presents no special reason for invoking the supreme court's original jurisdiction. See Oili v. Chang, 57 Haw. 411, 412, 557 P.2d 787, 788 (1976). Therefore,

IT IS HEREBY ORDERED that the petition for a writ of habeas corpus is dismissed without prejudice.

DATED: Honolulu, Hawai'i, August 23, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

