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Supreme Court
SCPW-12-0000577
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NO. SCPW-12-0000577

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KENNEDY MAGNO, Petitioner,

vs.

CIRCUIT COURT OF THE SECOND CIRCUIT, STATE OF HAWAI'I,
Respondent.

ORIGINAL PROCEEDING

(Cr. Nos. 11-1-0349, 11-1-0429, 11-1-0644)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Kennedy Magno'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 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 clerk of appellate court
shall process the petition for writ mandamus without payment of

the filing fee.

IT IS FURTHER ORDERED that the petition for writ of mandamus is denied.

DATED: Honolulu, Hawai'i, June 29, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Gary W. B. Chang

