

**Electronically Filed
Supreme Court
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SCPW-13-0000019

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

VESTAL K. SIMEONA, Petitioner,

vs.

NEIL ABERCROMBIE,
in his official capacity as Governor, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, Acoba, and McKenna, JJ., and
Circuit Judge Ahn, in place of Pollack, J., recused)

Upon consideration of petitioner Vestal K. Simeona's petition for a writ of mandamus, which was filed on January 10, 2013, and the documents attached thereto and submitted in support thereof, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to be released from custody. Moreover, petitioner may seek relief in the circuit court and by way of appeal, as appropriate. Petitioner, therefore, 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 petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, February 19, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Karen S.S. Ahn

