Electronically Filed Supreme Court SCPW-13-0000910 18-JUN-2013 10:19 AM

SCPW-13-0000910

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HERMAN LEE KAOPUA, SR., Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING (CR. NO. 01-1-0185; NO. 25009; S.P.P. NO. 06-1-0001; NO. 28907; S.P.P. NO. 09-1-0007; NO. 30079)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS (By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioner Herman-Lee Kaopua, Sr.'s petition for a writ of mandamus, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to void his conviction and sentence or that he lacks alternative means to seek relief. <u>See Kema v.</u> <u>Gaddis</u>, 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 appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawaiʻi, June 18, 2013.

/s/ Mark E. Recktenwald
/s/ Paula A. Nakayama
/s/ Simeon R. Acoba, Jr.
/s/ Sabrina S. McKenna
/s/ Richard W. Pollack

