

**Electronically Filed
Supreme Court
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SCPW-13-0000932

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

ANTHONY JOHNSON,
Petitioner,

vs.

MARIE LADERTA, WANDA CHONG-MENDONCA,
and ADMINISTRATIVE DIRECTOR OF THE COURTS,
Respondents.

ORIGINAL PROCEEDING
(ADLRO CASE NOS. 12-07002, 13-01883)

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

Upon consideration of petitioner Anthony Johnson's petition for a writ of mandamus and/or prohibition, filed on May 17, 2013, and the documents attached thereto and submitted in support thereof, it appears that petitioner's license was revoked at the time of his April 11, 2013 arrest (ADLRO No. 13-01883) and, therefore, he did not have a clear and indisputable right to an ignition interlock permit in ADLRO No. 13-01883. See HRS § 291E-44.5(b)(1) (Supp. 2012). In addition, petitioner has

alternative means to obtain the requested relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (a writ of mandamus and/or a writ of prohibition 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); State ex rel. Marsland v. Ames, 71 Haw. 304, 306, 788 P.2d 1281, 1283 (1990) ("[T]he mere fact that other remedies are not available has never in itself been sufficient justification for [a writ]."); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996) (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 petition for a writ of mandamus and/or prohibition is denied.

DATED: Honolulu, Hawai'i, June 24, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

