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Supreme Court  
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SCPW-14-0000567

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Respondent,

vs.

ROY ALAN COSTA, Petitioner.

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ORIGINAL PROCEEDING  
(CR. NO. 00-1-0253)

ORDER DENYING "DEFENDANT MOTION FOR DISMISSAL  
OF ALL CHARGES TOWARD COURTS UNTIMELY RESPONSE"

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

Upon consideration of petitioner Roy Costa's document entitled "Defendant Motion for Dismissal of All Charges Toward Courts Untimely Response," which was filed as a petition for a writ of mandamus on April 15, 2014, and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief and that he lacks alternative means to seek relief. An extraordinary writ, therefore, is not warranted. 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); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of mandamus is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedure). Accordingly,

IT IS HEREBY ORDERED that the clerk of 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 is denied.

IT IS HEREBY FINALLY ORDERED that the appellate clerks' office shall not accept any further filings from petitioner in this closed proceeding.

DATED: Honolulu, Hawai'i, April 24, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Karen T. Nakasone

