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Supreme Court
SCPW-14-0000621
11-APR-2014
10:25 AM

SCPW-14-0000621

IN THE SUPREME COURT OF THE STATE OF HAWAII

JOHN WAGNER, Petitioner,

vs.

STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 11-1-001)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner John Wagner's petition for a writ of mandamus, which was filed on March 25, 2014, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner has alternative means to seek relief and, therefore, is not entitled to a writ of mandamus. 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 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, Hawai'i, April 11, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Fa'auuga L. To'oto'o

