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SCPW-14-0000415

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MICHAEL C. TIERNEY,  
Petitioner,

vs.

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I,  
Respondent.

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ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of Michael C. Tierney's petition for a writ of mandamus, which was filed on February 4, 2014, and the record, it appears that petitioner is not entitled to the requested writ of mandamus. The issue has already been addressed by the Intermediate Court of Appeals in CAAP-11-0000016, and petitioner fails to demonstrate that he has a clear and indisputable right to the forfeited bail money. 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 12, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

