

**Electronically Filed  
Supreme Court  
SCPW-13-0006212  
24-JAN-2014  
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SCPW-13-0006212

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MONTY V. RIDEOUT, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

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ORIGINAL PROCEEDING  
(CAAP-13-0001700; S.P.P. No. 13-1-001K)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Monty Rideout's letter, filed on January 16, 2014, which we review as a petition for a writ of mandamus, and the record, it appears that petitioner is not entitled to extraordinary relief. Petitioner does not have a clear and indisputable right to the appointment of counsel for an appeal in a post-conviction proceeding and fails to demonstrate that he is eligible for appointed counsel or that the appeal warrants the discretionary appointment of counsel. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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, January 24, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

