

**Electronically Filed
Supreme Court
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SCPW-15-0000936

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LYMAN K. LABATTE, Petitioner,

vs.

THE HONORABLE LINDA LUKE, JUDGE OF THE DISTRICT COURT OF THE
FIRST CIRCUIT, STATE OF HAWAI'I, Respondent Judge,

and

STATE OF HAWAI'I and DUSTIN F.K. DAWSON, Respondents.

ORIGINAL PROCEEDING
(CASE NO. 1DCW-15-0000082)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of Petitioner Lyman K. LaBatte's petition for a writ of mandamus, filed on December 14, 2015, and the record, it appears that Petitioner is not a party to the underlying criminal proceeding and, under the circumstances of this case, lacks standing to seek relief therein. See, e.g., Akinaka v. Disciplinary Bd. of Haw. Sup. Ct., 91 Hawai'i 51, 58, 979 P.2d 1077, 1084 (1999) (a complainant does not have standing to participate in the disciplinary process because "one does not have standing to assert a violation of rights belonging to

another;" the complainant's only function in the disciplinary process is to supply evidence of the alleged attorney malfeasance). Even if Petitioner had standing, he fails to demonstrate that he is entitled to the requested writ of mandamus. 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; such a writ is meant to restrain a judge of an inferior court who has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). 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, December 21, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

