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Supreme Court  
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SCPW-15-0000740

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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HERMAN-LEE KAOPUA, SR., Petitioner,

vs.

THE HONORABLE RANDAL G. B. VALENCIANO, JUDGE OF THE CIRCUIT COURT  
OF THE FIFTH CIRCUIT, STATE OF HAWAI'I, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

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ORIGINAL PROCEEDING  
(S.P.P. NO. 12-1-0007; CR. NO. 01-1-0185)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS  
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of petitioner Herman-Lee Kaopua, Sr.'s petition for a writ of mandamus, filed on October 13, 2015, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief or a lack of alternative means to seek relief at this time. Petitioner is currently represented by court-appointed counsel, Mark Zenger, Esq., in S.P.P. No. 12-1-0007, and may seek

counsel's assistance with regard to S.P.P. No. 12-1-0007. 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; rather, it 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.

IT IS HEREBY FINALLY ORDERED that the appellate clerks' office shall forward a copy of the petition and this order to petitioner's court-appointed counsel, Mark Zenger, Esq.

DATED: Honolulu, Hawai'i, November 4, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

