

Electronically Filed
Supreme Court
SCPW-17-0000515
05-JUL-2017
12:56 PM

SCPW-17-0000515

IN THE SUPREME COURT OF THE STATE OF HAWAII

JOHN WAGNER, Petitioner,

vs.

COURT DOCUMENT/RECORD CLERK, FIRST CIRCUIT COURT LEGAL
DOCUMENT BRANCH; COURT DOCUMENT/RECORD CLERK, THIRD CIRCUIT
COURT LEGAL DOCUMENT SECTION; COURT DOCUMENT/RECORD CLERK,
DISTRICT COURT OF THE THIRD CIRCUIT, Respondents.

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner John Wagner's petition for writ of mandamus, filed on June 27, 2017, the documents attached thereto and submitted in support thereof, and the record, it appears that, on May 4, 2017, this court issued a published opinion vacating the ICA's judgment, which affirmed the underlying conviction and sentence, and remanding the matter to the circuit court for a new trial. Petitioner may therefore seek relief, as appropriate, in the circuit court proceeding. 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 writ of mandamus is denied.

DATED: Honolulu, Hawai'i, July 5, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

