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Supreme Court
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SCPW-18-0000823

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LEONARDO R. CHAVEZ, Petitioner,

vs.

THE HONORABLE PAUL B. K. WONG, JUDGE OF THE CIRCUIT COURT OF THE
FIRST CIRCUIT, STATE OF HAWAI'I; DEPUTY PROSECUTING ATTORNEY
THALIA MURPHY; ATTORNEY SALINA KANAI ALTHOF;
STATE OF HAWAI'I, Respondents.

ORIGINAL PROCEEDING
(CR. NO. 14-1-0360)

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

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

Upon consideration of petitioner Leonardo R. Chavez's petition for writ of habeas corpus, filed on October 25, 2018, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner presents no special reason for this court to invoke its jurisdiction at this time and fails to demonstrate that he has a clear and indisputable right to relief and a lack of alternative means to seek relief. See Oili v. Chang, 57 Haw. 411, 412, 557 P.2d 787, 788 (1976) (the supreme court will not exercise its original jurisdiction in habeas corpus proceedings when no special reason exists for

invoking its jurisdiction"); 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); Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of mandamus is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedure). Accordingly,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is denied.

IT IS HEREBY FURTHER ORDERED that the clerk of the appellate court shall process the petition for writ of habeas corpus without payment of the filing fee.

DATED: Honolulu, Hawai'i, November 9, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

