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Supreme Court
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SCPW-19-0000438

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

IVAN P. POEPOE, Petitioner,

vs.

THE HONORABLE RICHARD T. BISSEN, JR., Judge of the Circuit Court
of the Second Circuit, State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 2CPC-17-0000566)

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

Upon consideration of petitioner Ivan P. Poepoe's emergency petition for writ of mandamus, filed on June 14, 2019, the supplemental memorandum, filed on June 17, 2019, the respective supporting documents, and the record, it appears that, at this juncture and based on the record presented to the court, petitioner is not entitled to the requested extraordinary writ. 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; where a court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge 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); 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 mandamus is denied.

DATED: Honolulu, Hawai'i, June 18, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

