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Supreme Court
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SCPW-19-0000613

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

HAROLD TOMLIN HODGES, JR., Petitioner,

vs.

STATE OF HAWAI‘I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 2PC16-1-0422)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Harold Tomlin Hodges, Jr.’s “MOTION TO Mandamus,” filed on September 3, 2019, which we construe as a petition for writ of mandamus, and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to extraordinary relief from this court and has alternative means to seek relief, including post-conviction relief pursuant to Hawai‘i Rules of Penal Procedure Rule 40. 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). Accordingly,

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

DATED: Honolulu, Hawai'i, September 24, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

