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Supreme Court
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SCPW-19-0000675

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF THE PUBLIC DEFENDER, STATE OF HAWAI'I, Petitioner,

vs.

THE HONORABLE PETER T. CAHILL, Circuit Court Judge of the Second
Circuit, State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I and WILLIAM ANDERSON-LANGLEY, Respondents.

ORIGINAL PROCEEDING
(CASE NO. 2CPC-18-0000788(2))

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Office of the Public Defender's petition for writ of mandamus, filed on October 3, 2019, the documents attached thereto and submitted in support thereof, and the record, it appears that, based on the information submitted to the court, petitioner fails to demonstrate a clear and indisputable right to the requested relief. 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; 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). Accordingly,

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

DATED: Honolulu, Hawai'i, October 7, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

