

**Electronically Filed
Supreme Court
SCPW-19-0000821
05-MAR-2020
02:30 PM**

SCPW-19-0000821

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LAVERNE REMBERT, Petitioner,

vs.

THE HONORABLE EDWIN NACINO, JUDGE OF THE CIRCUIT COURT OF THE
FIRST CIRCUIT, STATE OF HAWAI'I, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1PC041002384)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Laverne Rembert's petition for writ of mandamus, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that she has a clear and indisputable right to the requested relief, that she lacks alternative means to seek relief, or that the respondent judge committed a flagrant and manifest abuse of discretion or acted in excess of his jurisdiction. Petitioner, therefore, is not

entitled to the requested extraordinary writ from this court.
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). As indicated in this court's previous
order in SCPW-19-0000677, petitioner may seek relief by way of a
special prisoner proceeding pursuant to HRPP Rule 40(a)(2).
Accordingly,

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

DATED: Honolulu, Hawai'i, March 5, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

