

Electronically Filed
Supreme Court
SCPW-20-0000774
16-FEB-2021
01:43 PM
Dkt. 7 ODDP

SCPW-20-0000774

IN THE SUPREME COURT OF THE STATE OF HAWAII

DENNIS C. DEREGO, Petitioner,

vs.

STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 2FC151000209)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, and Eddins, JJ.,
with Wilson, J., dissenting)

Upon consideration of petitioner Dennis C. DeRego's petition for writ of mandamus, filed on December 29, 2020, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief and has alternative means to seek relief, including seeking relief in the circuit court through a Hawai'i Rules of Penal Procedure Rule 40 petition or seeking relief from the Hawai'i Paroling Authority, as provided by law. 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). Accordingly,

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

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

DATED: Honolulu, Hawai'i, February 16, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

