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SCPW-21-0000032

IN THE SUPREME COURT OF THE STATE OF HAWAII

DONALD B. MARKS, Petitioner,

vs.

STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1CPN-21-0000002)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Donald B. Marks's petition for writ of mandamus, filed on January 25, 2021, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner's "Petition to Vacate, Set Aside, or Correct Judgment or to Release Petitioner from Custody" was filed in the first circuit court on January 11, 2021, in Case No. 1CPN-21-0000002, and assigned to a circuit court judge.

Inasmuch as the relief requested in the petition for writ of mandamus has been resolved, the requested extraordinary writ is not warranted. 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.

DATED: Honolulu, Hawai'i, February 5, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

