

**Electronically Filed
Supreme Court
SCPW-21-0000070
30-MAR-2021
10:57 AM
Dkt. 13 ODDP**

SCPW-21-0000070

IN THE SUPREME COURT OF THE STATE OF HAWAII

TARVAL WEBSTER, Petitioner,

vs.

STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ., and Circuit Judge Cataldo, in place of Eddins, J., recused)

Upon consideration of petitioner Tarval Webster's petition for writ of mandamus, filed on February 16, 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," which was mailed on October 1, 2020, was filed in the first circuit court on October 6, 2020, assigned case number 1CPN-21-0000005, and assigned to a circuit court judge. The petition remains pending in the circuit court and any relief related to the petition may be sought in the case as provided by law. Petitioner, therefore, is not entitled to the requested extraordinary writ. 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, March 30, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Lisa W. Cataldo



