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SCPW-21-0000162

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM KOTIS, Petitioner,

vs.

THE HONORABLE RICHARD K. PERKINS,
Judge of the Circuit Court of the First Circuit,
State of Hawai'i (retired), Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 1PC920002780)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner William Kotis's petition for writ of mandamus, filed on March 19, 2021, 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 from this court and has alternative means to seek relief, including seeking relief pursuant to Hawai'i Rules of Penal Procedure Rule 40 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 23, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

