

**Electronically Filed
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SCPW-21-0000593

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DANNY FRIDDLE, Petitioner,

vs.

CLERK OF THE FAMILY COURT OF THE FIRST CIRCUIT,
STATE OF HAWAI‘I, Respondent.

ORIGINAL PROCEEDING
(CIVIL NO. 1CPN-21-0000033)

ORDER DISMISSING APPLICATION FOR WRIT OF MANDAMUS

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

On October 25, 2021, petitioner Danny Friddle filed an application for writ of mandamus directing the clerk of the family court of the first circuit to file his Hawai‘i Rules of Penal Procedure (“HRPP”) Rule 40 petition for post-conviction relief. The same day the application for writ of mandamus was filed, the circuit court filed petitioner’s HRPP Rule 40 petition in Case No. 1CPN-21-0000033. Petitioner has obtained the relief he seeks in this original proceeding. See Kema v. Gaddis, 91 Hawai‘i 200, 204-05, 982 P.2d 334, 338-39 (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 ordered that the application for writ of mandamus is dismissed.

It is further ordered that the clerk of the appellate court shall process the application for writ of mandamus without payment of the filing fees.

DATED: Honolulu, Hawai'i, November 18, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

