

**Electronically Filed
Supreme Court
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SCPW-22-0000062

IN THE SUPREME COURT OF THE STATE OF HAWAII

GUY S. JOSEPH, Petitioner

vs.

LYLE ANTONIO, Respondent.

ORIGINAL PROCEEDING
(CR. NOS. 1PC021001061 and 1PC031000043)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of petitioner Guy S. Joseph's petition for writ of mandamus, filed on February 16, 2022, and the record, petitioner fails to demonstrate that he has a clear and indisputable right to the requested relief and that he lacks alternative means to seek relief. Petitioner may seek relief, as appropriate, by way of a Hawai'i Rules of Penal Procedure ("HRPP") Rule 40 petition. See HRPP Rule 40(a)(2)(i) (2022) ("Any person may seek relief under the procedure set forth in this rule from custody based upon a judgement of conviction, on the following grounds: (i) that sentence was fully served[.]"). An extraordinary writ, therefore, is not warranted. See Kema v.

Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (explaining that 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 petition for writ of mandamus is denied.

It is 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 28, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

