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SCPW-22-0000353

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

DUANE BERTLEMAN, Petitioner,

vs.

MAX N. OTANI, in his official capacity as Director of the
Department of Public Safety, State of Hawai‘i, Respondent.

ORIGINAL PROCEEDING
(CASE NOS. 2CPC-18-0000229, 2PC161000093)

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

Upon consideration of petitioner Duane Bertleman’s petition for writ of mandamus, filed on May 23, 2022, the documents attached and submitted in support, and the record, petitioner has not demonstrated that he lacks alternative means to seek relief. Petitioner may seek relief by filing a HRPP Rule 40 petition in the circuit court. An extraordinary writ is thus 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); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996) (stating, with respect to a public official, mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available). Accordingly,

It is ordered that the petition for writ of mandamus is denied.

DATED: Honolulu, Hawai'i, June 15, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

