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Supreme Court
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SCPW-22-0000431

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

GARRETH A. GRAHAM, Petitioner,

vs.

FIRST CIRCUIT COURT, STATE OF HAWAI‘I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1CPN-19-0000005)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Garreth A. Graham’s petition for writ of mandamus, filed July 6, 2022, the documents attached and submitted in support, and the record, the circuit court’s findings of fact and conclusions of law are within the January 28, 2022 order dismissing Graham’s Hawai‘i Rules of Penal Procedure (HRPP) Rule 40 petition, and Graham has alternative means to seek relief by making an appropriate request in the circuit court. See HRPP Rule 49(d) (“A party who has failed to receive due notice or to be served, or who has been prejudiced by reason that service was made by mail or facsimile transmission,

may apply to the court for appropriate relief."). An extraordinary writ is thus not warranted. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (observing 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) (observing that 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.

It is further ordered that the appellate court clerk shall process the petition without payment of the filing fee.

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

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

