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SCPW-22-0000430

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

HAROLD TOMLIN HODGES JR., Petitioner,

vs.

STATE OF HAWAI‘I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 2PC161000422)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of Harold Tomlin Hodges, Jr.’s (Petitioner) amended “Motion for 30 days ruling,” filed on July 14, 2022, which we construe as a petition for writ of mandamus, and the record, a petition for writ of mandamus is not intended to be used in lieu of normal appellate procedures. Petitioner has alternative means to seek relief by filing a Hawai‘i Rules of Penal Procedure Rule 40 petition in the circuit court. An extraordinary writ is thus not warranted. See Kema v. Gaddis, 91 Hawai‘i 200, 204-05, 982 P.2d 334, 338-39 (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; such writs are not meant to supersede the legal discretionary authority of the lower court, nor are they meant to serve as legal remedies in lieu of normal appellate procedures). 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, August 2, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

