

NO. 25913

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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JEFFREY O. TERRY,  
Petitioner,

vs.

STATE OF HAWAII,  
Respondent.

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ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Petitioner Jeffrey O. Terry's petition for a writ of habeas corpus, the papers in support, and the records and files herein, it appears that: (1) Petitioner has a pending circuit court proceeding related to the issues raised in the instant petition; and (2) an appellate court ordinarily will not exercise its original jurisdiction in habeas corpus proceedings when relief is available in the lower court. See Oili v. Chang, 57 Haw. 411, 557 P.2d 787 (1976). Therefore,

IT IS HEREBY ORDERED that the petition for a writ of habeas corpus is denied without prejudice to any remedy

Petitioner may have in the circuit court and without prejudice to any remedy Petitioner may have by way of appeal.

DATED: Honolulu, Hawai'i, July 10, 2003.

Jeffrey O. Terry,  
petitioner pro se  
on the petition