

NO. 26891

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DENNIS LEE CAMPBELL, Petitioner

vs.

HALAWA CORRECTIONAL FACILITY, DEPARTMENT OF
PUBLIC SAFETY, STATE OF HAWAI'I, Respondent

ORIGINAL PROCEEDING

ORDER DENYING REQUEST FOR WRIT OF HABEAS CORPUS

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

Upon consideration of Petitioner Dennis L. Campbell's letter received and filed on October 19, 2004 wherein Petitioner Campbell seeks a writ of habeas corpus ordering his release from incarceration, it appears that: (1) Petitioner, who states he was returned to Hawai'i after being arrested in Ohio for violation of his Hawai'i parole, seeks release from incarceration pursuant to HRS § 660-3; (2) pursuant to HRS § 660-3, the supreme court has concurrent jurisdiction with the circuit court to issue writs of habeas corpus; (3) an appellate court will not exercise its original jurisdiction in habeas corpus proceedings when relief is available in the circuit court and no special reason exists for invoking its jurisdiction, Oili v. Chang, 57 Haw. 411, 557 P.2d 787 (1976); (4) Petitioner presents no special reason for this court to invoke its original jurisdiction at this time; and (5) according to Petitioner, he is represented by counsel in the parole revocation proceeding. Therefore,

IT IS HEREBY ORDERED that the request for a writ of habeas corpus is denied without prejudice to Petitioner seeking relief in the parole revocation proceeding and without prejudice to Petitioner seeking relief, if appropriate, in the circuit court.

DATED: Honolulu, Hawai'i, November 9, 2004.

Dennis Lee Campbell,
petitioner, *pro se*,
on the request