

NO. 28311

IN THE SUPREME COURT OF THE STATE OF HAWAII

ROBERT J. CLARKE, Petitioner,

v.

THE HONORABLE MARCIA J. WALDORF,
Judge of the First Circuit Court, Respondent.

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 DEC 15 PM 3:39

FILED

ORIGINAL PROCEEDING
(CR. NO. 06-1-1156)

ORDER

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

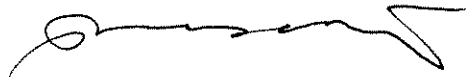
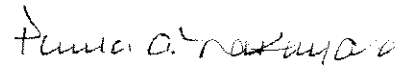
Upon consideration of petitioner Robert J. Clarke's December 5, 2006 letter to the Hawai'i Supreme Court, which is deemed a petition for a writ of mandamus, it appears that petitioner seeks a writ from the supreme court directing the circuit court to impose certain conditions of hospitalization if petitioner is ordered hospitalized at the Hawai'i State Hospital. However, petitioner may request the conditions of hospitalization from the circuit court if and when the circuit court orders hospitalization and petitioner is not entitled to mandamus relief from the supreme court. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (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). Therefore,

IT IS HEREBY ORDERED that the clerk shall file petitioner's letter and accompanying documents, without payment of the filing fees and costs, as a petition for writ of mandamus.

IT IS FURTHER ORDERED that the petition is denied. The denial is without prejudice to any remedy petitioner has in the circuit court.

DATED: Honolulu, Hawai'i, December 15, 2006.

Robert J. Clarke,
pro se, on the petition



Rana E. Duggs, Sr.