

NO. 28885

IN THE SUPREME COURT OF THE STATE OF HAWAII

FRANK J. SANTIAGO, Petitioner,

vs.

THE HONORABLE DERRICK H. M. CHAN, JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, Respondent.

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 DEC 10 PM 4:23

FILED

ORIGINAL PROCEEDING
(CR. NO. 01-1-2230)

ORDER

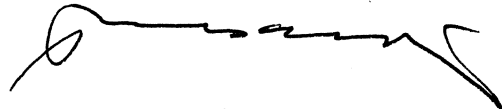
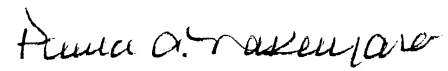
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Frank J. Santiago's "writ of mandamus for entire transcripts of Cr. No. 01-1-2230", which is deemed a petition for a writ of mandamus, it appears that petitioner does not have a statutory or constitutional right to free transcripts of Cr. No. 01-1-2230 to aid petitioner in preparing a petition for collateral relief. See HRS § 802-7 (1993); United States v. MacCollom, 426 U.S. 317, 323-28 (1976). Therefore, petitioner is not entitled to mandamus relief. 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 of the appellate court shall file petitioner's papers as a petition for a writ of mandamus without payment of the filing fees.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, December 10, 2007.



Yama E. Dubois, J.