

NO. 29667

IN THE SUPREME COURT OF THE STATE OF HAWAII

RICHARD B. RAPOZO, Petitioner,

vs.

THE HONORABLE RICHARD K. PERKINS, JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(SPP NO. 08-1-0003)

ORDER


(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ., and Intermediate Court of Appeals Chief Judge Recktenwald, assigned by reason of vacancy)


Upon consideration of the petition for a writ of mandamus filed by petitioner Richard B. Rapozo, it appears that petitioner fails to demonstrate a clear and indisputable right to relief. See Kema v. Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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.). Accordingly,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

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

DATED: Honolulu, Hawai'i, March 13, 2009.


Anna C. Nakayama


James E. Duffy Jr.


Mark E. Redtenwald

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2009 MAR 13 PM 3:10

FILED