

NO. 29893

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ABEL K. OCLINARIA, Petitioner,
 vs.
 STATE OF HAWAI'I, Respondent

Hon. K. Nakayama
 CLERK, APPELLATE COURTS
 STATE OF HAWAI'I

2009 JUL -7 AM 10:12

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the petition filed by petitioner Abel K. OcLinaria and the papers in support, it appears that petitioner seeks a writ from this court: (1) declaring petitioner's trial counsel ineffective; (2) relaxing the time for appeal; and (3) appointing appellate counsel. However, issuance of the writ sought by petitioner is not within the original jurisdiction of the supreme court. See HRS § 602-5 (Supp. 2008). Therefore,

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

IT IS FURTHER ORDERED that the petition is dismissed without prejudice to seeking relief in the family court.

DATED: Honolulu, Hawai'i, July 7, 2009.



Anna C. Nakayama



James E. Duffy, Jr.

