

FILED

2009 JUL -8 AM 9:32

Clerk of the Supreme Court
State of Hawaii
Clerk of the Circuit Court
State of Hawaii

NO. 29889

IN THE SUPREME COURT OF THE STATE OF HAWAII

MATTHEW YASUHARA, Petitioner,

vs.

THE HONORABLE STEVEN S. ALM, JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 08-1-0991)

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Matthew Yasuhara and the papers in support, it appears that bail after conviction of a felony is not a matter of right after revocation of probation and before resentencing. See HRS §§ 804-4 and 706-626(2) (Supp. 2008). Therefore, petitioner fails to demonstrate a clear and indisputable right to relief and 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.). Accordingly,

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

DATED: Honolulu, Hawai'i, July 8, 2009.

Anna A. Nakayama

Kama E. Duffy, Jr.

Mark E. Recktenwald