

**Electronically Filed
Supreme Court
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SCPW-14-00000567

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Respondent,

vs.

ROY ALAN COSTA, Petitioner.

ORIGINAL PROCEEDING
(CR. NO. 00-1-0253)

ORDER DENYING "MOTION RULE 16. GOVERNMENT DISCOVERY
INSPECTION AND DISCLOSURE . . . , MOTION TO DISAGREE
DECISION'S APPEAL FROM THE SECOND CIRCUIT COURT'S JUDGMENT
FROM WHICH THE APPEAL IS TAKEN, SHOULD NOT BE AFFIRMED"
(By: Recktenwald, C.J., Nakayama, McKenna, and Pollack, JJ., and
Circuit Judge Nakasone, assigned by reason of vacancy)

Upon consideration of petitioner Roy Costa's document
entitled "Motion Rule 16. Government Discovery Inspection and
Disclosure . . . , Motion to Disagree Decision's Appeal from the
Second Circuit Court's Judgment from which the Appeal is Taken,
Should not be Affirmed", which was filed as a petition for a writ
of mandamus on March 18, 2014, and the record, it appears that
petitioner fails to demonstrate that he has a clear and
indisputable right to the requested relief and that he lacks
alternative means to seek relief. An extraordinary writ,

therefore, is not warranted. 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); *Honolulu Advertiser, Inc. v. Takao*, 59 Haw. 237, 241, 580 P.2d 58, 62 (1978) (a writ of mandamus is not intended to supersede the legal discretionary authority of the trial courts, cure a mere legal error, or serve as a legal remedy in lieu of normal appellate procedure). 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 HEREBY FURTHER ORDERED that the petition is denied.

DATED: Honolulu, Hawai'i, April 8, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Karen T. Nakasone

