

**Electronically Filed
Supreme Court
SCPW-15-0000697
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SCPW-15-0000697

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner,

vs.

THE HONORABLE GLENN S. HARA, Judge of the Circuit Court
of the Third Circuit, State of Hawai'i, Respondent Judge,

and

XAVIER J. CORTEZ, JR. aka PEE WEE, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 15-1-0043)

ORDER DENYING PETITION FOR WRIT OF PROHIBITION OR, IN THE
ALTERNATIVE, FOR AN ORDER STAYING PROCEEDINGS
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, J.J.)

Upon consideration of petitioner State of Hawai'i's
petition for a writ of prohibition or, in the alternative, for an
order staying proceedings, filed on September 24, 2015, the
documents attached thereto and submitted in support thereof, and
the record, it appears that an appeal from the circuit court's
pretrial orders issued in the underlying criminal proceeding is
pending in the Intermediate Court of Appeals (CAAP-15-0000481)
and petitioner fails to demonstrate that extraordinary relief is

warranted from this court. See Gannett Pac. Corp. v. Richardson, 59 Haw. 224, 226, 580 P.2d 49, 53 (1978) (a writ of prohibition is not meant to serve as a legal remedy in lieu of normal appellate procedures; rather, it is available in "rare and exigent circumstances" where "allow[ing] the matter to wend its way through the appellate process would not be in the public interest and would work upon the public irreparable harm"); HRAP Rule 8(c). Accordingly,

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

DATED: Honolulu, Hawai'i, September 28, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

