

**Electronically Filed
Supreme Court
SCPW-17-0000657
26-SEP-2017
07:58 AM**

SCPW-17-0000657

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HAU PHAN, Petitioner,

vs.

THE HONORABLE RICHARD T. BISSEN, JR., Judge of the Circuit Court
of the Second Circuit, State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 2FC16-1-000394(4))

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of petitioner Hau Phan's petition for writ of mandamus, filed on September 9, 2017, and the record, it appears that petitioner has filed an appeal from the judgment of conviction and sentence in the Intermediate Court of Appeals in CAAP-17-0000542 and, therefore, may seek relief in accordance to HRAP Rule 9(b), as appropriate. Petitioner, therefore, is not entitled to the requested mandamus relief from this court. 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 writ of mandamus is denied.

DATED: Honolulu, Hawai'i, September 26, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

