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Supreme Court
SCPW-18-0000039
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SCPW-18-0000039

IN THE SUPREME COURT OF THE STATE OF HAWAII

KAMAKA VILLEGAS, Petitioner,

vs.

THE HONORABLE COLETTE Y. GARIBALDI, Judge of the Circuit Court
of the First Circuit, State of Hawai'i, Respondent Judge,

and

STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 17-01-0000637)

ORDER DENYING PETITIONS FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Kamaka Villegas's applications for writ of mandamus, filed on January 20, 2018 and January 22, 2018, which are construed as petitions for writ of mandamus, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that he has a clear and indisputable right to the sealing of his ex parte motion or the dismissal of the underlying criminal case, that he lacks alternative means to seek relief, or that the respondent judge committed a flagrant and manifest abuse of discretion in deciding the ex parte motion. Petitioner is not entitled to the requested extraordinary relief. See Kema v.

Gaddis, 91 Hawai'i 200, 204-05, 982 P.2d 334, 338-39 (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; such writs are not intended to supercede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures; where a court has discretion to act, mandamus will not lie to interfere with or control the exercise of that discretion, even when the judge has acted erroneously, unless the judge has exceeded his or her jurisdiction, has committed a flagrant and manifest abuse of discretion, or has refused to act on a subject properly before the court under circumstances in which he or she has a legal duty to act). Accordingly,

IT IS HEREBY ORDERED that the petitions for writ of mandamus are denied.

IT IS HEREBY FURTHER ORDERED the appellate clerks' office shall process the petitions for writ of mandamus without payment of the filing fee.

DATED: Honolulu, Hawai'i, January 31, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

