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Supreme Court
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SCPW-19-0000058

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WESLEY SAMOA, Petitioner,

vs.

THE HONORABLE MELVIN H. FUJINO, Judge of the Circuit Court of the
Third Circuit, State of Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 3CPC-18-0000724)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Wesley Samoa's petition for writ of mandamus, filed on January 25, 2019, 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 requested relief and that he lacks alternative means to seek relief. As to petitioner's request for the withdrawal of deputy public defender Ann Datta as his counsel and the authorization of Barry L. Sooalo as his counsel, it appears that former counsel is no longer

representing petitioner and that the circuit court has authorized Mr. Sooalo to represent petitioner. As to petitioner's request for the disqualification of the respondent judge from participating in any further proceedings in Case No. 3CPC-18-0000724 and for the transfer of the case to another judge, it appears that petitioner has not satisfied the requirements of HRS § 601-7(b) before this court and has alternative means to seek such relief. Petitioner, therefore, is not entitled to the requested extraordinary writ. 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); 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 petition for writ of mandamus is denied.

DATED: Honolulu, Hawai'i, February 19, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

