

**Electronically Filed
Supreme Court
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SCPW-19-0000821

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LAVERNE REMBERT, Petitioner,

vs.

THE HONORABLE EDWIN NACINO, JUDGE OF THE CIRCUIT COURT OF THE
FIRST CIRCUIT, STATE OF HAWAI'I, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 1PC041002384)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Laverne Rembert's petition for writ of mandamus, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that she has a clear and indisputable right to the requested relief, that she lacks alternative means to seek relief, or that the respondent judge committed a flagrant and manifest abuse of discretion or acted in excess of his jurisdiction. Petitioner, therefore, is not

entitled to the requested extraordinary writ 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; 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). As indicated in this court's previous order in SCPW-19-0000677, petitioner may seek relief by way of a special prisoner proceeding pursuant to HRPP Rule 40(a)(2).

Accordingly,

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

DATED: Honolulu, Hawai'i, March 5, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

