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Supreme Court
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SCPW-20-0000559

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BERNARD HOSEA MAHUIKI, JR., Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CASE NO. 5FFC-18-0000137)

ORDER DENYING PETITION

(By: Recktenwald, C.J., Nakayama, and McKenna, JJ.,
and Circuit Judge Crabtree, assigned by reason of vacancy,
with Wilson, J., concurring)

Upon consideration of petitioner Bernard Hosea Mahuiki's "Motion to Release Non-Violent Community Custody Prisoner from Custody with Special Release Terms and Conditions Amid the Coronavirus COVID-19 Bio-Terrorism Pandemic", which was filed as a petition on September 11, 2020, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner fails to demonstrate that he is entitled to the requested extraordinary 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); Oili v. Chang, 54

Haw. 411, 412, 557 P.2d 787, 788 (1976) (“[The supreme] court will not exercise its original jurisdiction in habeas corpus proceedings when relief is available in a lower court and no special reason exists for invoking its jurisdiction.”).

Accordingly,

IT IS HEREBY ORDERED that the petition is denied.

IT IS HEREBY FURTHER ORDERED that the clerk of the appellate court shall process the petition without payment of the filing fee.

DATED: Honolulu, Hawai‘i, September 30, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Jeffrey P. Crabtree



CONCURRENCE

(By: Wilson, J.)

For the reasons stated in my concurrence order in Sandry v. State, SCPW-20-0000405, filed on June 24, 2020, I concur.

/s/ Michael D. Wilson