

**Electronically Filed
Supreme Court
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SCPW-20-0000693

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ISAAH W. MCCOY, Petitioner,

vs.

THE HONORABLE TODD W. EDDINS,
Judge of the Circuit Court of the First Circuit, State of
Hawai'i, Respondent Judge,

and

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 1CPC-19-0001279)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ.,
and Circuit Judge Kuriyama, assigned by reason of vacancy)

Upon consideration of petitioner Isaiah W. McCoy's petition for writ of mandamus, filed on November 4, 2020, 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, that he lacks alternative means to seek relief, or that the respondent judge exceeded his jurisdiction or committed a

flagrant and manifest abuse of discretion in denying the motion for recusal. 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; 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 petition for writ of mandamus is denied.

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

DATED: Honolulu, Hawai'i, November 12, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Christine E. Kuriyama

