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SCPW-21-0000458

IN THE SUPREME COURT OF THE STATE OF HAWAII

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LAEL SAMONTE, Petitioner,

vs.

STATE OF HAWAII, Respondent.

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ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ., and Circuit Judge To'oto'o, assigned in place of Eddins, J., recused)

Upon consideration of the document submitted by petitioner Lael Samonte entitled, "Defense Counsels Motion for Judgment of Acquittal," which was filed as a petition for writ of mandamus on August 9, 2021, 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). 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 fees.

DATED: Honolulu, Hawai'i, September 3, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Fa'auuga To'oto'o

