

**Electronically Filed
Supreme Court
SCPW-22-0000059
01-MAR-2022
07:57 AM
Dkt. 6 ODDP**

SCPW-22-0000059

IN THE SUPREME COURT OF THE STATE OF HAWAII

LOREN D. HAMMOND, III, Petitioner,

vs.

STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(Civil No. 1CPN-21-0000028)

ORDER DISMISSING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Loren D. Hammond, III's request for relief related to his HRPP Rule 40 post-conviction proceeding, which was received on February 15, 2022 and filed as a petition for writ of mandamus, and the record, it appears that on February 8, 2022, the circuit court entered an "Order Denying Loren Hammond's Hawaii Rules of Penal Procedure Rule 40 Petition, Filed April 29, 2021, Without a Hearing," thereby ruling on the HRPP Rule 40 petition that is the subject of this original proceeding. Petitioner has alternative means to seek relief from the circuit court's decision, including filing an appeal as provided by law. Thus, inasmuch as the requested

relief has been addressed by the circuit court, an extraordinary writ is not necessary. 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). Accordingly,

It is ordered that the petition for writ of mandamus is dismissed.

It is 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, March 1, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

