

**Electronically Filed
Supreme Court
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NO. SCPW-12-0000655

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HERMAN-LEE KAOPUA, SR., Petitioner,

vs.

CIRCUIT COURT OF THE FIFTH CIRCUIT, STATE OF HAWAI'I,
Respondent.

ORIGINAL PROCEEDING
(CR. NO. 01-1-0185; S.P.P. NO. 06-1-0001
and S.P.P. NO. 09-1-00071)

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioner Herman-Lee Kaopua Sr.'s July 20, 2012 petition for a writ of habeas corpus and the papers attached thereto, including the request to proceed in forma pauperis with the appointment of counsel, it appears that petitioner may seek habeas corpus relief in the circuit court and petitioner presents no special reason for invoking the supreme court's original jurisdiction. See Oili v. Chang, 57 Haw. 411, 412, 557 P.2d 787, 788 (1976). Accordingly,

IT IS HEREBY ORDERED that petitioner's request to proceed in forma pauperis is granted and the clerk of the appellate court shall process the petition for a writ of habeas corpus without payment of the filing fee.

IT IS FURTHER ORDERED that to the extent Kaopua seeks the appointment of counsel, his request is denied.

IT IS ALSO ORDERED that the petition for a writ of habeas corpus is dismissed without prejudice to seeking habeas corpus relief in the circuit court pursuant to HRS § 660-3 (1993).

DATED: Honolulu, Hawai'i, August 9, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

