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Supreme Court
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SCPW-12-0001126

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

IN RE RANDY HANOHANO

ORIGINAL PROCEEDING

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

By letter dated November 17, 2012, which was filed as a petition for a writ of mandamus on December 31, 2012, petitioner Randy Hanohano asks this court to review his conviction for terroristic threatening and acquit him. Upon considering the request and the record, it appears that (1) the time to seek further review of the terroristic threatening conviction has passed, see HRAP Rule 40.1(1), and (2) this court does not have jurisdiction to acquit a defendant, see HRS § 602-5(a) (Supp. 2012). Petitioner, therefore, is not entitled to mandamus relief. 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). Therefore,

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

IT IS HEREBY FURTHER ORDERED that the petition for a writ of mandamus is dismissed.

DATED: Honolulu, Hawai'i, January 23, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

