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Supreme Court
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SCPW-13-0000910

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HERMAN LEE KAOPUA, SR., Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING

(CR. NO. 01-1-0185; NO. 25009; S.P.P. NO. 06-1-0001;
NO. 28907; S.P.P. NO. 09-1-0007; NO. 30079)

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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

Upon consideration of petitioner Herman-Lee Kaopua, Sr.'s petition for a writ of mandamus, 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 void his conviction and sentence or that he lacks alternative means to seek 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). Accordingly,

IT IS HEREBY ORDERED that 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 denied.

DATED: Honolulu, Hawai'i, June 18, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

