

**Electronically Filed
Supreme Court
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SCPW-13-0003189

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

GERALD VILLANUEVA, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 96-0078)

ORDER

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

On November 19, 2013, the appellate clerks' office filed a document submitted by petitioner Gerald Villanueva entitled "Complaint - The Original Jurisdiction Belongs to the People", in which it appears that petitioner is challenging his incarceration on the ground that "the Corporate Government such as the State of Hawai'i, is an artificial person or entity" and "not equal to [him] as an American citizen". The document references the case no. as SCPW-13-0003189 and, therefore, was filed in SCPW-13-0003189. SCPW-13-0003189, however, is closed.

Upon consideration of the document, the supporting documents, and the record, it is unclear whether petitioner

intended to file the document as a complaint or as a habeas corpus petition. To the extent petitioner is seeking to file a complaint against the State of Hawai'i, this court lacks jurisdiction to consider the complaint. See HRS § 602-5 (Supp. 2012). To the extent petitioner is seeking post-conviction relief, he can seek such relief, as appropriate, in the circuit court. See Oili v. Chang, 57 Haw. 411, 412, 557 P.2d 787, 788 (1976) (the supreme court "will not exercise its original jurisdiction in habeas corpus proceedings when relief is available in a lower court and no special reason exists for invoking its jurisdiction"). Accordingly,

IT IS HEREBY ORDERED that the "Complaint - The Original Jurisdiction Belongs to the People" is dismissed.

IT IS HEREBY FURTHER ORDERED that the appellate clerk shall not accept any further filings from petitioner in this closed original proceeding.

DATED: Honolulu, Hawai'i, December 3, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

