

NO. 25326

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JOSEPH AYUYU, Petitioner

vs.

TED SAKAI, DIRECTOR OF PUBLIC SAFETY,
STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of Petitioner Joseph Ayuyu's petition for a writ of habeas corpus and motion for order to show cause, the papers in support, and the records and files herein, it appears that: (1) pursuant to HRS § 660-3, the supreme court and the circuit court have concurrent jurisdiction over a petition for a writ of habeas corpus; and (2) an appellate court ordinarily will not exercise its original jurisdiction in habeas corpus proceedings where relief is available in the lower court. Oili v. Chang, 57 Haw. 411, 557 P.2d 787 (1976). Therefore,

IT IS HEREBY ORDERED that the petition for a writ of habeas corpus is denied without prejudice to Petitioner seeking appropriate relief in the circuit court and without prejudice to Petitioner taking an appeal from any judgment entered in the circuit court.

IT IS FURTHER ORDERED that the motion for an order to show cause is denied without prejudice to Petitioner seeking appropriate relief in the circuit court.

DATED: Honolulu, Hawai'i, November 1, 2002.