

NO. 25537

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EUGENE H. CORBETT, Petitioner,

vs.

HAWAII PAROLING AUTHORITY, Respondent,

and

ATTORNEY GENERAL, STATE OF HAWAI'I

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR A WRIT OF MANDAMUS

(By: Moon, C.J., Levinson, Nakayama, Acoba, JJ., and
Circuit Judge Town, assigned by reason of vacancy)

Upon consideration of Petitioner Eugene H. Corbett's petition for a writ of mandamus, the papers in support, and the records and files herein, it appears that: (1) Petitioner asks this court to review a Hawaii Paroling Authority decision that Petitioner is disqualified from seeking reduction in his minimum term of imprisonment at this time; (2) 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 the alleged wrong or obtain the requested action. Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1994); (3) mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial in nature and so plainly prescribed as to be free from doubt, and no other remedy is available. Id. ; (4) Petitioner has not demonstrated that no

other remedy is available to obtain the relief requested; (5) Petitioner can seek assistance from counsel or the circuit court where his amended judgment was entered; and (6) Petitioner also has other alternatives. See Williamson v. Hawai'i Paroling Authority, 97 Hawai'i 183, 35 P.3d 210 (2001); Turner v. Hawai'i Paroling Authority, 93 Hawai'i 298, 1 P.3d 768 (2000).

Therefore,

IT IS HEREBY ORDERED the petition is denied without prejudice to Petitioner pursuing any other available remedy.

DATED: Honolulu, Hawai'i, January 27, 2003.

Eugene H. Corbett,
petitioner, appearing
pro se on the petition