

NO. 28580

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

v.

FRANK J. SANTIAGO, Defendant-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 01-1-2230)

ORDER

(By: Nakamura, J.)

Upon consideration of Defendant-Appellant Frank Santiago's request for the issuance of a writ of mandamus, which was filed in this pending appeal on September 14, 2007, the papers in support, and the records and files herein, it appears: (1) a request for a writ of mandamus is an original proceeding that must be filed in the supreme court pursuant to HRAP Rule 21; and (2) the Intermediate Court of Appeals has no jurisdiction to issue a writ of mandamus in this appeal. Therefore,

IT IS HEREBY ORDERED that the request for a writ of mandamus is denied without prejudice to Appellant seeking any appropriate relief in accordance with the appellate rules, including filing the writ in the Supreme Court.

DATED: Honolulu, Hawai'i, October 29, 2007.

Christina Nakamura
Associate Judge



E. M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED