

NO. 27245

IN THE SUPREME COURT OF THE STATE OF HAWAII

IOKEPA WAIALAE, Petitioner-Defendant

vs.

JUDGE REYNALDO D. GRAULTY, Family Circuit Court Judge  
of the Family Court of the First Circuit, Respondent

ORIGINAL PROCEEDING  
(FC-CR NO. 05-1-1016)

ORDER DENYING APPLICATION FOR WRIT OF MANDAMUS

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

Upon consideration of Petitioner Iokepa Waialae's application for a writ of mandamus seeking modification of the terms of release pending appeal, the papers in support, and the records and files herein, it appears that: (1) Petitioner is seeking review of a court order related to Petitioner's release pending appeal from a judgment of conviction; (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, State v. Hamili, 87 Hawai'i 102, 104, 952 P.2d 390, 392 (1998); (3) such writs are not intended to take the place of normal appellate procedures; and (4) Petitioner has a pending appeal from the judgment of conviction, and any request for relief must be filed in the pending appeal pursuant to HRAP Rule 9(b). Therefore,

K. HAMAMAKA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

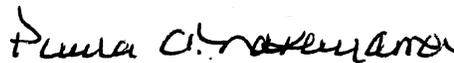
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IT IS HEREBY ORDERED that the application for a writ of mandamus is denied without prejudice to any remedy Petitioner may have in his pending appeal.

DATED: Honolulu, Hawai'i, June 9, 2005.

Karen T. Nakasone,  
Deputy Public Defender,  
for petitioner-defendant  
on the writ



James E. Duffy, Jr.