

No. 27780

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HENRY ANGUAY, Petitioner,

v.

STATE OF HAWAI'I, Respondent.

CLERK, APPELLATE COURTS
STATE OF HAWAI'I
E.M. RIMANDO

2006 MAR - 1 PM 1:23

FILED

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

By letter to the Chief Justice dated February 13, 2006, Henry Anguay (Petitioner) questions the legality of his custody at the Halawa Correctional Facility. Thus, we view the letter as a petition for a writ of habeas corpus. See Rule 40(a)(2)(iii) of the Hawai'i Rules of Penal Procedure. Petitions for writs of habeas corpus should, in usual circumstances, first be submitted to the court in which the Petitioner was convicted. See Rule 40(b) of the Hawai'i Rules of Penal Procedure. Therefore,

IT IS HEREBY ORDERED that the Clerk shall docket Petitioner's letter as a Petition for Writ of Habeas Corpus, without payment of the fee for such a petition.

IT IS FURTHER ORDERED that the Petition is denied. This denial is without prejudice to a petition filed pursuant to Rule 40 of the Hawai'i Rules of Penal Procedure in the court in which the petitioner was convicted.

IT IS FINALLY ORDERED that the Clerk shall provide copies of this order to Petitioner, the Office of the Prosecuting

Attorney for the City and County of Honolulu, and the Office of
the Attorney General for the State of Hawai'i.

DATED: Honolulu, Hawai'i, March 1, 2006.



[Handwritten signature]

Steven Levinson

Fumio A. Nakayama

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Kamae E. Duddy, Jr.