

NO. 28048

IN THE SUPREME COURT OF THE STATE OF HAWAII

DANE JAY BARNHARD, Petitioner

vs.

THOMAS PHILLIPS, MAUI COUNTY - CHIEF OF POLICE, Respondent

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Dane Barnhard and the papers in support, it appears that petitioner's claim of violations of Hawai'i Revised Statutes § 291C-112 and Maui County Code § 13.04.160 is not supported by any evidence and the claim is not clear and certain. Therefore, petitioner has failed to demonstrate a clear and indisputable right to relief and is not entitled to a writ of mandamus. See In Re Disciplinary Bd. of Hawaii Supreme Court, 91 Hawai'i 363, 984 P.2d 688

(1999) (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 and so plainly prescribed as to be free from doubt, and no other remedy is available.). Therefore,

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

2006 AUG -3 PM 1:22

FILED

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied.

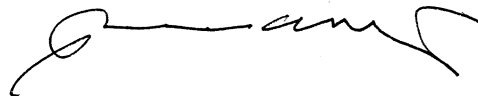
DATED: Honolulu, Hawai'i, August 3, 2006.

Dane Jay Barnhard,
petitioner, *pro se*
on the petition



Steven O. Levenson

Diana C. Nakayama



James E. Duggan