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2007 JUL -6 AM 9:31

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

NO. 28593

IN THE SUPREME COURT OF THE STATE OF HAWAII

FRANK J. SANTIAGO, Petitioner,

vs.

THE HONORABLE DERRICK H.M. CHAN, JUDGE OF THE FIRST
CIRCUIT COURT, STATE OF HAWAII, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 01-1-2230)

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Frank J. Santiago and the papers in support, it appears that petitioner has appealed the circuit court's decisions denying waiver of transcript costs and that the appeal is pending before the Intermediate Court of Appeals in No. 28580. Thus, petitioner is not entitled to a writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338.

Therefore,

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

DATED: Honolulu, Hawai'i, July 6, 2007.

Glynn
Steven Levinson
Anna Nakayama
Samuel E. Duffy, Jr.