

NO. 28851

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DAVID V. WILLIAMS, JR., Petitioner,

vs.

CIRCUIT COURT OF THE FIRST CIRCUIT, Respondent.

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of David V. Williams, Jr.'s October 22, 2007 motion for appointment of counsel and for an evidentiary hearing and the November 5, 2007 supplemental papers, which are deemed a petition for a writ of mandamus, it appears that the matters of whether counsel should be appointed and whether an evidentiary hearing should be granted in SPP Nos. 07-1-0006 and 07-1-0007 is for the determination of the circuit court pursuant to HRPP 40(f) and 40(i). The circuit court's determination of those matters is reviewable on appeal from any judgments that may be entered against petitioner in SPP Nos. 07-1-0006 and 07-1-0007 and petitioner will have a remedy by way of appeal. Therefore, petitioner is not entitled to a writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (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 adequately the alleged wrong or obtain the requested action.). Accordingly,

KHAMARAO
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STATE OF HAWAII

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IT IS HEREBY ORDERED that the clerk of the appellate court shall file the October 22, 2007 and November 5, 2007 papers as a petition for a writ of mandamus without payment of the filing fee.

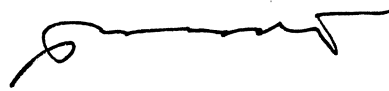
IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, November 16, 2007.



Steven H. Leinson

Auna A. Nakayama



Ramona E. Duggan