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STATE OF HAWAII

NO. 28886

IN THE SUPREME COURT OF THE STATE OF HAWAII

RAY DELOS SANTOS, Petitioner,

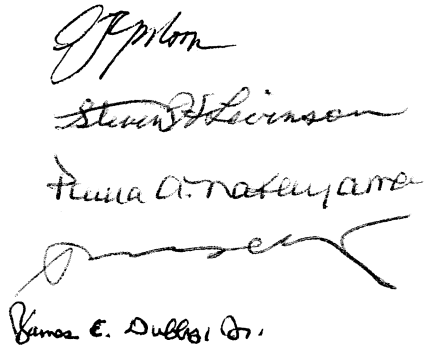
vs.

THE HONORABLE LESLIE A. HAYASHI, JUDGE OF THE DISTRICT COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(HPD No. 07-486087)

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Ray Delos Santos and the papers in support, it appears that petitioner's initial appearance before the district court on December 10, 2007 was the appropriate proceeding in which to seek redress from the district court's finding of probable cause. Petitioner did not seek redress from the district court at the December 10, 2007 proceeding and he is not entitled to mandamus relief. 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,

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

DATED: Honolulu, Hawai'i, December 12, 2007.