

NO. 28989

IN THE SUPREME COURT OF THE STATE OF HAWAII

KIRK MATTHEW LANKFORD, Petitioner,

vs.

THE HONORABLE KARL K. SAKAMOTO, JUDGE OF THE CIRCUIT COURT
OF THE FIRST CIRCUIT, STATE OF HAWAII, Respondent.

FILED
2008 FEB 14 PM 3:29
NORMA T. YARA
CLERK OF THE APPELLATE COURT
STATE OF HAWAII

FILED

ORIGINAL PROCEEDING
(CR. NO. 07-1-0822)

ORDER

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

Upon consideration of the petition for a writ of mandamus or prohibition and the motion to stay proceedings filed by petitioner Kirk Lankford and the papers in support, it appears that the substance of the information that petitioner seeks to protect, as apparently set forth in the offer of proof filed under seal in Cr. No. 07-1-0822, is essential to the determination of the petition. However, a copy of the offer of proof was not attached under seal to the petition. See HRAP 21(a) ("Copies of any order or opinion or parts of the record that may be essential to an understanding of the matters set forth in the petition shall be attached to the petition."). Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus or prohibition is dismissed without prejudice to refiling a petition supported by a sealed copy of the offer of proof and copies of other essential parts of the record.

IT IS FURTHER ORDERED that the motion to stay the proceedings in Cr. No. 07-1-0822 is dismissed without prejudice to refiling a motion for stay upon the refiling of a petition.

DATED: Honolulu, Hawai'i, February 14, 2008.



Stanley H. Levinson

Puna A. Nakayama



Kana E. Duggan, Jr.