

NO. 29404

IN THE SUPREME COURT OF THE STATE OF HAWAII

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 NOV -3 AM 8:47

FILED

GARY KARAGIANES, Petitioner,

vs.

HAWAI'I PAROLING AUTHORITY and DEPARTMENT OF PUBLIC SAFETY, Respondents.

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 Gary Karagianes and the papers in support, it appears that HRS § 706-660.1 (1993) does not preclude impositions of minimum terms of imprisonment by both the circuit court and the Hawai'i Paroling Authority, the lengths of which may differ. See Althouse v. State, 111 Hawai'i 35, 38-40, 137 P.3d 349, 352-54 (2006). Petitioner's minimum term of imprisonment fixed by the Hawai'i Paroling Authority may be challenged in a petition for post-conviction relief filed in the circuit court pursuant to Hawai'i Rules of Penal Procedure Rule 40. Therefore, petitioner 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, November 3, 2008.



Stuart H. Levinson

Honorable A. C. Nakayama



Honorable E. D. DUBOIS