

NO. 29488

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MARSHALL MARTINEZ, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

K. HAMAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 DEC 19 PM 2:29

FILED

ORIGINAL PROCEEDING

ORDER

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

Upon consideration of Marshall Martinez's petition for a writ of habeas corpus, it appears that habeas corpus relief is available to petitioner in the circuit court and petitioner presents no special reason for invoking the supreme court's original jurisdiction. See Oili v. Chang, 57 Haw. 511, 512, 557 P.2d 787, 788 (1976). Therefore,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for writ of habeas corpus without payment of the filing fees.

IT IS FURTHER ORDERED that the petition for a writ of habeas corpus is denied without prejudice to seeking habeas corpus relief in the circuit court pursuant to HRS § 660-3 (1993).

DATED: Honolulu, Hawai'i, December 19, 2008.

Karen E. Duffy, J.