

NO. 29720

IN THE SUPREME COURT OF THE STATE OF HAWAII

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APPELLATE COURT
STATE OF HAWAII

2009 APR -7 PM 2:09

FILED

MICHAEL C. TIERNEY, Petitioner,

vs.

THE HONORABLE DERRICK H.M. CHAN, JUDGE OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NOS. 88-2209 and 89-0024)

ORDER

(By: Moon, C.J., Nakayama, Acoba, and Duffy, JJ.
and Intermediate Court of Appeals Judge Nakamura,
assigned by reason of vacancy)

Upon consideration of the petition for a writ of mandamus filed by petitioner Michael C. Tierney and the papers in support, it appears that petitioner's March 12, 2009 objection to the bail forfeitures in Cr. Nos. 88-2209 and 89-0024 is an objection to the executions on the forfeitures. The objection was not filed within the time provision of HRS § 804-51, the respondent judge is not obliged to hear the untimely objection, and petitioner fails to demonstrate a clear and indisputable right to 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.). Therefore,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the 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, April 7, 2009.



Kunika C. Williams



James E. Duddy, Jr.

Chief Judge