

NO. 29751

IN THE SUPREME COURT OF THE STATE OF HAWAII

DE MONT R. D. CONNER, Petitioner,

vs.

THE HONORABLE VIRGINIA L. CRANDALL, JUDGE OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, and
CLAYTON FRANK, DIRECTOR OF THE DEPARTMENT OF
PUBLIC SAFETY, Respondents.

K. HAMMERS
CLERK, APPELLATE
STATE OF HAWAII
COURTS

2009 APR 22 PM 2:39

FILED

ORIGINAL PROCEEDING

(SPP NO. 06-1-0021 (Cr. Nos. 59460, 60121, 84-0553, 85-0110))

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner De Mont R. D. Conner, the papers in support, and the record of SPP No. 06-1-0021, it appears that SPP No. 06-1-0021 is scheduled for an evidentiary hearing before the respondent judge on June 22, 2009 at 1:30 p.m. The June 22, 2009 hearing date was set by the respondent judge and counsels for the parties at the February 23, 2009 status conference. Petitioner was represented at the status conference by private counsel Jeffrey Arakaki, who was appointed as petitioner's counsel pursuant to HRPP 40(i), which obliged the respondent judge to appoint counsel to represent petitioner at the evidentiary hearing. Petitioner can discuss the evidentiary hearing with counsel Arakaki, who can move the respondent judge for orders regarding scheduling, transportation, and transcripts.

Therefore, petitioner is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A

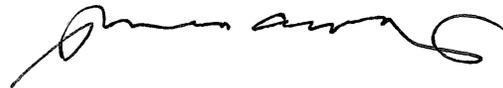
writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action.). Accordingly,

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

DATED: Honolulu, Hawai'i, April 22, 2009.



Tamaa Nakayama



James E. Duffly Jr.

Mark E. Reichenwald