

NO. 30118

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HERBERT H. BROWN, Petitioner,

vs.

THE HONORABLE STEVEN S. ALM, JUDGE OF THE CIRCUIT COURT
OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 03-1-0926)

ORDER

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

Upon consideration of the petition for a writ of mandamus and/or prohibition filed by petitioner Herbert H. Brown and the papers in support, it appears that the petition effectively seeks a writ of mandamus directing the respondent judge to vacate the denials of petitioner's motions that challenged the circuit court's jurisdiction over Cr. No. 03-1-0926 and challenged the constitutionality of HRS § 706-662 (Supp. 2008). Petitioner fails to demonstrate a clear and indisputable right to relief. Therefore, petitioner is not entitled to mandamus relief. See HRS § 603-21.5(b)(1) (1998); 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 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, November 3, 2009.