

NO. 30140

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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GERALD VILLANUEVA, Petitioner,

vs.

STATE OF HAWAI'I, Respondent.

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ORIGINAL PROCEEDING

ORDER

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

Upon consideration of Gerald Villanueva'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 fee.

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, November 5, 2009.