

Electronically Filed
Supreme Court
SCPW-12-0000104
02-MAR-2012
09:37 AM

NO. SCPW-12-0000104

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CLYDE MITSURU HAYAKAWA, Petitioner,

vs.

THE HONORABLE RANDAL K.O. LEE, JUDGE OF THE CIRCUIT
COURT OF THE FIRST CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(S.P.P. NO. 11-1-0033)

ORDER

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

Upon consideration of petitioner Clyde Hayakawa's petition for a writ of mandamus, it appears that, in S.P.P. No. 11-1-0033, Clyde Mitsuru Hayakawa v. State of Hawai'i, respondent State of Hawai'i filed an answer to the HRPP Rule 40 petition on December 1, 2011. 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.¹

DATED: Honolulu, Hawai'i, March 2, 2012.

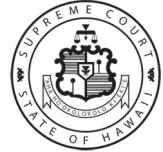
/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna



¹ It appears that petitioner may not have been served with the answer to the Rule 40 petition filed by respondent State of Hawai'i on December 1, 2011 in S.P.P. No. 11-1-0033. If so, the respondent judge shall direct the State of Hawai'i to serve the answer on petitioner in accordance with HRPP 49.