

NO. 30213

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JASON KELLY ANDREWS, Petitioner,

vs.

THE HONORABLE ELIZABETH A. STRANCE, JUDGE OF THE CIRCUIT
COURT OF THE THIRD CIRCUIT, STATE OF HAWAI'I, Respondent.

ORIGINAL PROCEEDING
(SPP NO. 08-1-4K)

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by petitioner Jason Kelly Andrews and the papers in support, it appears that the relief sought by mandamus is the same relief sought by petitioner in his pending appeal before the intermediate court of appeals in No. 29951. 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. Such writs are not intended to supersede the legal discretionary authority of the lower courts, nor are they intended to serve as legal remedies in lieu of normal appellate procedures.) 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, December 11, 2009.