

*** NOT FOR PUBLICATION ***

NO. 22452

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

RICHARD EPPS, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 96-1141)

SUMMARY DISPOSITION ORDER

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

Defendant-appellant Richard J. Epps appeals from the March 23, 1999 judgment of the circuit court of the first circuit, the Honorable Wendell K. Huddy presiding, convicting Epps of and sentencing him for two counts of sexual assault in the second degree, in violation of Hawai'i Revised Statutes (HRS) § 707-731 (1993). On appeal, Epps argues (1) that the circuit court erred in denying his motions to enjoin on the erroneous conclusion that the motions were procedurally flawed, and (2) that HRS chapter 846E violates numerous state and federal constitutional provisions. Conversely, the state contends, inter alia, that this court lacks jurisdiction to entertain Epp's challenge to the sex offender registration statute.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold that

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parties cannot confer subject matter jurisdiction as a part of a plea agreement in the absence of statutory authority, and this court is without jurisdiction to address the substance of Epps's arguments, inasmuch as Epps's appeal is not of the judgment or sentence and, thus, is not authorized by HRS § 641-11.

Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 24, 2004.

On the briefs:

Deborah L. Kim,
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for the defendant-appellant
Richard J. Epps

James M. Anderson,
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for the plaintiff-appellee
State of Hawai'i

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