

NO. 23034

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

DAVID HAUANIO, JR., Defendant-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CR. NO. 98-15)

SUMMARY DISPOSITION ORDER

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

Defendant-appellant David Hauanio, Jr. appeals from the order of the Circuit Court of the Third Circuit, the Honorable Greg Nakamura presiding, deferring acceptance of his guilty plea and the order of the Circuit Court of the Third Circuit, the Honorable Riki May Amano presiding, denying his motion to withdraw his plea. Hauanio argues that the circuit court erred in granting the deferred plea and denying the motion to withdraw because: 1) the court imposed an illegal sentence by granting the deferred plea for which Hauanio was not eligible; and 2) Hauanio did not knowingly, intelligently, and voluntarily enter his plea because he was not adequately informed of his legal rights and the consequences of the potential guilty plea.

Upon careful review of the record and the briefs submitted by the parties, it appears that this court does not have jurisdiction to review the challenged orders because they are not appealable final judgments and have not been certified

for interlocutory appeal. See HRS §§ 641-11 and 641-17 (1993); State v. Oshiro, 69 Haw. 438, 442, 746 P.2d 568, 570 (1987) ("A [deferred acceptance of a no contest] plea is not a conviction nor is it a sentence."). Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, August 30, 2001.

On the briefs:

Harry Eliason for
defendant-appellant

Michael S. Kagami, Deputy
Prosecuting Attorney, for
plaintiff-appellee