

NO. 23489

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

JON VON CHIN, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 00-1-0017)
(CR. NO. 90-1585)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Ramil, Acoba, JJ.
and Circuit Judge Graulty, in place of Nakayama, J., recused)

Upon review of the record, it appears that: (1) the circuit court decided SPP 00-1-0017 on July 26, 2000 when it entered an order denying the HRPP Rule 40 petition; (2) there is no indication in the record that the denial of the HRPP Rule 40 petition was announced on or before May 8, 2000; (3) the May 8, 2000 notice of appeal does not effectively appeal the July 26, 2000 decision and order because, at the time the notice of appeal was filed, there was no oral decision or written order from which to appeal; see Grattafiori v. State, 79 Hawai'i 10, 897 P.2d 937 (1995); and thus, (4) we lack jurisdiction over this appeal; see HRS § 641-11; HRPP 40(h); HRAP 4(b). Therefore,

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

DATED: Honolulu, Hawai'i, August 25, 2000.