

NO. 23768

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

KAIMANA KAINALU APO, Defendant-Appellant

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 99-0535)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) the September 26, 2000 notice of appeal was prematurely filed after the September 7, 2000 announcement of the decision denying the motion for reduction of sentence, but before entry of the order denying the motion; (2) the notice of appeal would have been deemed filed when the order denying the motion for reduction of sentence was entered; HRAP 4(b)(2); (3) an order denying the motion for reduction of sentence has not been entered; and thus, (4) this appeal is premature and we lack jurisdiction. HRS § 641-11; HRAP 4(b)(1) and 4(b)(3). Therefore,

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

DATED: Honolulu, Hawai'i, January 11, 2001.