

NO. 24322

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

TIMOTHY L. GIEFFELS, Defendant-Appellant

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 5740)

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

Upon review of the record, it appears that: (1) the circuit court's April 25, 2001 order denying Appellant's motion for correction of sentence was appealable by notice of appeal filed within thirty days after the order was entered; see HRAP 4(b)(1); (2) the time for appeal was not extended by the motion for reconsideration of the April 25, 2001 order; cf. State v. Brandimart, 68 Haw. 495, 720 P.2d 1009 (1986); (3) although signed on May 24, 2001, Appellant's notice of appeal was filed on June 1, 2001, thirty-seven days after entry of the April 25, 2001 order and is untimely; (4) our recognized exceptions to the requirement that notices of appeal be timely filed do not apply in this case inasmuch as Appellant was given adequate notice of the entry of the April 25, 2001 order and this is not Appellant's first appeal from his conviction in Cr. No. 5740; and thus (5) we lack jurisdiction over this appeal. See Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) ("[C]ompliance with the

requirement of the timely filing of a notice of appeal is jurisdictional, and we must dismiss an appeal on our own motion if we lack jurisdiction."). Therefore,

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

DATED: Honolulu, Hawai'i, February 6, 2002.