

NO. 24498

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

JOHNETTE M. WATSON, Defendant

and

ACE BAIL BOND, Party-In-Interest-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 01-1-0049)

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 July 11, 2001 "Order Denying [Ace Bail Bond's] Motion to Reset Motion to Set Aside Bail Forfeiture" was, in effect, an order denying Ace Bail Bond's motion to set aside the judgment of bail bond forfeiture; (2) the July 11, 2001 order was appealable under HRS § 804-51 by notice of appeal filed pursuant to HRAP 4(a)(1) within thirty days after the order was entered; see State v. Camara, 81 Hawai'i 324, 329, 916 P.2d 1225, 1230 (1996); (3) the notice of appeal by appellant Ace Bail Bond was filed on August 20, 2001, forty days after entry of the July 11, 2001 order; and thus, (4) this appeal is untimely and we lack jurisdiction; see Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1128 (1986) (the failure to file a timely notice of appeal in a civil case is a jurisdictional defect that can neither be

waived by the parties nor disregarded by the appellate court in the exercise of judicial discretion). Therefore,

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

DATED: Honolulu, Hawai'i, April 1, 2002.