

NO. 24821

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PETER B. CARLISLE, In his official capacity as the
Prosecuting Attorney of the City and County of Honolulu
on behalf of the State of Hawai'i, Petitioner,

vs.

1984 CHEVROLET CORVETTE, 2-DOOR, RED IN COLOR,
HAWAI'I LICENSE NUMBER JRB-464, VEHICLE IDENTIFICATION
NO. 1G1AY0780E5150265 (ESTIMATED VALUE: \$10,000.00),
Defendant,

INTERESTED PARTIES: NATHAN D. PARK and SCOTT R. SPEAR.

A.G. NO. 01-1540
[HPD Report No. 01-152533]

ORDER

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

Upon consideration of the notice of appeal filed by Nathan D. Park, it appears that: (1) Park is appealing from the Attorney General's order granting a petition for administrative forfeiture and denying a petition for remission or mitigation filed by Scott Spear; (2) Park did not serve the notice of appeal as required by HRAP Rule 3, pay the filing fee, or move for waiver of the filing fee; (3) HRS § 712A-10 governs administrative forfeitures; (4) HRS § 712A-10(11) provides that there shall be no appeal from the attorney general's decision or order of forfeiture or remission or mitigation; (5) It is well-settled that the right to appeal is purely statutory and exists only when given by some constitutional or statutory provision. Burke v. County of Maui, 95 Hawai'i 288, 289, 22 P.3d 84, 85 (2001); Oppenheimer v. AIG Hawai'i Ins. Co., 77 Hawai'i 88, 91, 881 P.2d 1234, 1237 (1994); Chambers v. Leavey, 60 Haw. 52, 57, 587 P.2d 807, 810 (1978); and (6) Inasmuch as HRS § 712A-10(11)

provides that there shall be no appeal from the attorney general's decision or order of forfeiture, this court lacks jurisdiction to consider this appeal. Therefore,

IT IS HEREBY ORDERED that the notice of appeal is dismissed.

DATED: Honolulu, Hawai'i, January 18, 2002.