

NO. 24832

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

JOSEPH K. BATALONA, Defendant-Appellant.

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APPEAL FROM THE SECOND CIRCUIT COURT  
(CR. NO. 01-1-0668)

ORDER

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

Upon review of the record, it appears that: (1) Appellant Joseph Batalona has a criminal case pending in the Circuit Court of the Second Circuit and is represented by counsel; (2) On January 10, 2002, Mathilda Noelani Batalona Mason filed an appeal on behalf of Joseph Batalona; (3) Ms. Mason is not licensed to practice law and cannot file documents on behalf of another person. See Oahu Plumbing & Sheet Metal v. Kona Construction, 60 Haw. 372, 590 P.2d 510 (1979) (although HRS § 605-2 provides that any person who is not licensed to practice law may appear before any court to prosecute or defend the person's own case, that person is not permitted to represent another person); (4) HRS § 641-11 governs appeals in criminal cases and provides that an appeal in a criminal case may be taken from the judgment of the circuit court and that the sentence of

the court in a criminal case shall be the judgment; (5) An appeal from the circuit court is only permitted from a final judgment or sentence. State v. Johnston, 63 Haw. 9, 619 P.2d 1076 (1980); (6) Joseph Batalona's case is scheduled to go to trial and there is no final judgment; and (7) This court lacks jurisdiction over this appeal. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed. This dismissal is without prejudice to Joseph Batalona filing a notice of appeal from any adverse judgment of conviction and sentence.

DATED: Honolulu, Hawai'i, February 21, 2002.