

NO. 25006

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

LUCKIE K. RODENHURST, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(HPD TRAFFIC NOS. 4897204MO; 4897097MO; 4897096MO)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) judgment against appellant in Case Nos. 4897204MO, 4897097MO and 4897096MO was entered on September 13, 2001, not on March 8, 2002; (2) the September 13, 2001 judgment was timely appealed by appellant by notice of appeal filed on September 21, 2001 in No. 24588, but the appeal was dismissed on April 11, 2002 for failure to file an opening brief; (3) the stay of sentences pending appeal entered on March 8, 2002 did not start a new thirty-day period for appealing the September 13, 2001 judgment and the notice of appeal filed on March 28, 2002 is an untimely appeal of the September 13, 2001 judgment; see HRS § 641-12; HRAP 4(b)(1); and thus (4) 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, July 2, 2002.