

NO. 25248

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee

vs.

JAMES KEONE LEE SARTAIN, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(HPD TRAFFIC NO. 5307560MO)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we do not have appellate jurisdiction over Defendant-Appellant James K. Sartain's (Appellant Sartain) appeal from his July 1, 2002 conviction for noncompliance with the speed limit in violation of HRS § 291C-102 (1993), because Appellant Sartain did not file his August 2, 2002 notice of appeal within thirty days after entry of the July 1, 2002 judgment, as Rule 4(b)(1) of the Hawai'i Rules of Appellate Procedure required. "As a general rule, compliance with the requirement of the timely filing of a notice of appeal is jurisdictional, . . . and we must dismiss an appeal on our motion if we lack jurisdiction." Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) (citations, internal quotation marks, and brackets omitted). Neither of the two exceptions to the requirement for a timely filed notice of appeal apply. State v. Irvine, 88 Hawai'i 404, 407, 967 P.2d 236, 239 (1998) ("Our recognized exceptions involve circumstances where: (1) defense counsel has inexcusably or ineffectively failed to pursue a defendant's appeal from a criminal conviction in the first instance[,]. . . or (2) the trial court's decision was unannounced and no notice of the entry of judgment was ever provided[.]") (citations omitted). Therefore,

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

DATED: Honolulu, Hawai'i, October 29, 2002.