

*** NOT FOR PUBLICATION ***

NO. 26319

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

JEFFREY O. TERRY, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 88-0951)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that appellant appeals the circuit court's December 9, 2003 order transferring the motion to correct illegal sentence from Cr. No. 88-0951 to SPP 03-1-0055 and treating the motion as a nonconforming petition for post-conviction relief. As to Cr. No. 88-0951, the appeal of the December 9, 2003 order is an appeal of a post-judgment order that is not authorized by HRS § 641-11. As to SPP 03-1-0055, the appeal of the December 9, 2003 order is a premature appeal of an interlocutory decision that is not authorized by HRS § 641-11. Thus, we lack jurisdiction over this appeal. Therefore,

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

DATED: Honolulu, Hawai'i, April 13, 2004.