

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26350

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII, Plaintiff-Appellee

vs.

CHRISTINA M. STARLEY, Defendant-Appellant

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CR. NO. 01-1-1945)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that no statute authorizes Defendant-Appellant Christina M. Starley's appeal from the Honorable Reynaldo D. Graulty's December 19, 2003 "Order Granting Motion to Revoke Bail."

"The right to an appeal is strictly statutory." State v. Ontiveros, 82 Hawai'i 446, 449, 923 P.2d 388, 391 (1996) (citation omitted). In family court cases "[a]n interested party aggrieved by any order or decree of the court may appeal to the supreme court for review of questions of law and fact upon the same terms and conditions as in other cases in the circuit court[.]" HRS § 571-54 (1993). Pursuant to HRS § 641-11 (1993), "[a]ny party deeming oneself aggrieved by the judgment of a circuit court in a criminal matter, may appeal to the supreme court[.]" HRS § 641-11 (1993) further provides that "[t]he sentence of the court in a criminal case shall be the judgment." See, e.g., State v. Kealaiki, 95 Hawai'i 309, 312, 22 P.3d 588, 591 (2001). The December 19, 2003 "Order Granting Motion to

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Revoke Bail" does not impose a new sentence, and, thus, it is not an appealable judgment pursuant to HRS § 571-54 (1993) and HRS § 641-11 (1993). Accordingly,

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

DATED: Honolulu, Hawai'i, April 27, 2004.