

*** NOT FOR PUBLICATION ***

NO. 26768

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

WILLARD IMAMOTO, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 95-0990)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that appellant's notice of appeal filed on August 23, 2004 purports to be an appeal from the August 18, 1998 judgment of acquittal. The judgment of acquittal was appealable by notice of appeal filed within thirty days after the judgment was entered. See HRS § 641-11; HRAP 4(b)(1). The August 23, 2004 notice of appeal is an untimely appeal of the August 18, 1998 judgment of acquittal and we lack jurisdiction. Therefore,

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

DATED: Honolulu, Hawai'i, December 9, 2004.