

NO. 27786

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
GLENN L. PINHO, Defendant-Appellant

K. HAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2006 AUG 22 AM 9:10

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 05-1-0110)

ORDER DISMISSING APPEAL

(By: Burns, C.J., Lim and Foley, JJ.)

Upon review of the record, it appears that we lack jurisdiction over this appeal from the Honorable Steven S. Alm's February 21, 2006 bench warrant, because the February 21, 2006 bench warrant is neither an appealable judgment nor an appealable interlocutory order.

"The right of appeal in a criminal case is purely statutory and exists only when given by some constitutional or statutory provision." State v. Poochina, 97 Hawai'i 505, 509, 40 P.3d 907, 911 (2002) (citation and internal quotation marks omitted). In a circuit court criminal case, a defendant may appeal from a judgment of conviction, see HRS § 641-11 (Supp. 2005), a certified interlocutory order, see HRS § 641-17 (Supp. 2005), or an interlocutory order denying a motion to dismiss based on double jeopardy. State v. Kealaiki, 95 Hawai'i 309, 312, 22 P.3d 588, 591 (2001) (citation omitted). Defendant-Appellant Glenn L. Pinho is appealing from a bench warrant that is not an appealable judgment of conviction, a certified

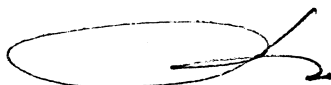
interlocutory order, nor an interlocutory order denying a motion to dismiss based on double jeopardy. Absent an appealable judgment or interlocutory order, we lack jurisdiction.

Therefore,

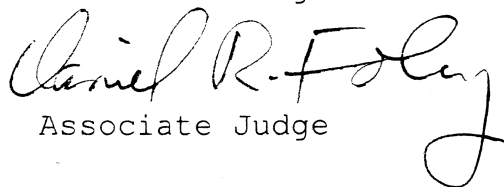
IT IS HEREBY ORDERED that the appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, August 22, 2006.


Chief Judge



Associate Judge


Associate Judge