

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28086

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

STATE OF HAWAI'I, Plaintiff-Appellee,  
v.  
RONALD ALLEN LARSON, Defendant-Appellant

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAI'I

2006 NOV -6 PM 12:26

FILED

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(Case No. 3DTC-06-038864)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Defendant-Appellant Ronald Allen Larson's appeal from the third circuit district court's case number 3DTC-06-038864, the Honorable Joseph P. Florendo, Jr., presiding, because the district court has not yet entered an appealable judgment pursuant to Rule 32(c)(2) of the Hawai'i Rules of Penal Procedure (HRPP) and Rule 4(b)(3) of the Hawai'i Rules of Appellate Procedure (HRAP).

"Appeals from the district court, in criminal cases, are authorized by HRS § 641-12, which . . . provides in pertinent part that appeals upon the record shall be allowed from all final decisions and final judgments of district courts in all criminal matters." State v. Ontiveros, 82 Hawai'i 446, 449, 923 P.2d 388, 391 (1996) (internal quotation marks and brackets omitted). With respect to the "criminal matter" requirement for an appeal under

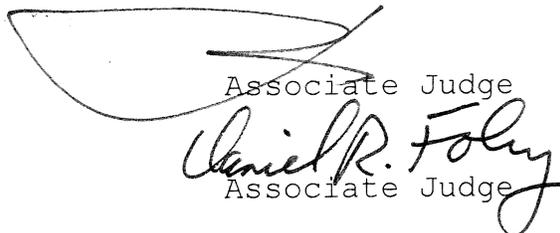
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HRS § 641-12 (Supp. 2005), "[a]n offense . . . for which a sentence of imprisonment is authorized constitutes a crime." HRS § 701-107(1) (1993). Operating a motor vehicle without proof of liability insurance in violation of HRS § 431:10C-104 (Supp. 2005) is punishable by imprisonment. HRS § 431:10C-117(a)(5)(A) (Supp. 2005). Therefore, a conviction for operating a motor vehicle without proof of liability insurance in violation of HRS § 431:10C-104 (Supp. 2005) is an appealable "criminal matter" under HRS § 641-12 (Supp. 2005). "[I]n order to appeal a criminal matter in the district court, the appealing party must appeal from a written judgment or order that has been filed with the clerk of the court pursuant to HRAP Rule 4(b)(3)." State v. Bohannon, 102 Hawai'i 228, 236, 74 P.3d 980, 988 (2003); see also HRPP Rule 32(c)(2). Absent an appealable judgment pursuant to HRPP Rule 32(c)(2) and HRAP Rule 4(b)(3), this appeal is premature and we lack jurisdiction under HRS § 641-12 (Supp. 2005). Accordingly,

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

DATED: Honolulu, Hawai'i, November 8, 2006.

  
Chief Judge

  
Associate Judge  
Associate Judge