

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 27617

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee

vs.

JAMES DAVID KALILI, Defendant-Appellant

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APPEAL FROM THE THIRD CIRCUIT COURT  
(CR. NOS. 05-1-0006K and 05-1-0087K)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court<sup>1</sup>)

Upon review of the record, it appears that the August 18, 2005 judgments were appealable under HRS § 641-11 by notices of appeal filed by the original thirty-day deadline of September 19, 2005 or by an extended deadline not exceeding thirty days past September 19, 2005, which was October 19, 2005. See HRAP 4(b)(1); HRAP 4(b)(5) ("[T]he circuit . . . court may . . . extend the time for filing a notice of appeal for a period not to exceed 30 days from the expiration of [the original 30-day deadline]"). Appellant's motions for extensions of time to appeal, though not acted upon, were filed on November 17, 2005, after expiration of the extension period, and were of no effect. The notices of appeal filed on November 17, 2005 were untimely. Our recognized exceptions to late criminal appeals do not apply in this case. Thus, we lack jurisdiction. See Grattafiori v.

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<sup>1</sup>Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

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State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) ("[C]ompliance with the requirement of the timely filing of a notice of appeal is jurisdictional, and we must dismiss an appeal on our own motion if we lack jurisdiction."). Therefore,

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

DATED: Honolulu, Hawai'i, June 14, 2006.

FOR THE COURT:

*Puna C. Nakayama*  
Associate Justice