

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 27736

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

HERBERT BROWN, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT  
(CR. NO. 03-1-0926)

ORDER DISMISSING APPEAL

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

FILED  
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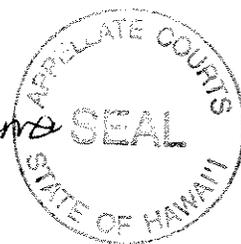
Upon review of the statements supporting and contesting jurisdiction and the record, it appears that the circuit court's December 30, 2005 order is not appealable pursuant to HRS § 641-11 or HRS § 614-17, which authorize appeals only from the judgment and sentence or from a certified interlocutory order. Thus, we lack jurisdiction over this appeal. See Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) ("The right of appeal in a criminal case is purely statutory and exists only when given by some constitutional or statutory provision."). Therefore,

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

DATED: Honolulu, Hawai'i, May 9, 2006.

FOR THE COURT:

*Honorable Justice Nakayama*  
Associate Justice



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