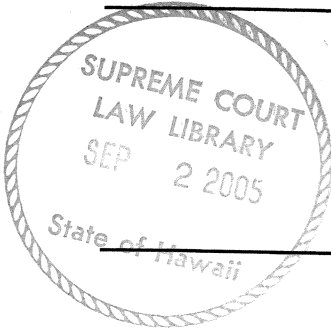


NO. 27205

IN THE SUPREME COURT OF THE STATE OF HAWAII

2005 AUG 30 PM 12:21
STATE COURTS
HAWAII

FILED



NATHANIEL BONTY, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P.P. NO. 04-1-0002; CR. NO. 58523)

ORDER

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

Upon consideration of Respondent-Appellee State of Hawaii's motion to dismiss Petitioner-Appellant Nathaniel E. Bonty's appeal as untimely, the papers in support and opposition, and the records and files herein, it appears that: (1) the circuit court's February 1, 2005 order denying Petitioner-Appellant's petition for post conviction relief was appealable by notice of appeal filed within thirty days after the order was entered. See HRPP Rule 40(h); HRAP Rule 4(b)(1); (2) Petitioner-Appellant signed the notice of appeal on March 20, 2005 and filed the notice of appeal on March 31, 2005; (3) the notice of appeal was filed more than thirty days after the order being appealed; (4) Petitioner-Appellant's contention that his notice of appeal was late because his legal service provider, EXPRESS LEGAL SERVICES, failed to timely prepare the document for filing does not excuse the late filing; and (5) due to the untimely filing of the notice of appeal, we lack jurisdiction. See Grattafiori v.

State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1996) (compliance with the requirements of the timely filing of a notice of appeal is jurisdictional, and we must dismiss an appeal if we lack jurisdiction). Therefore,

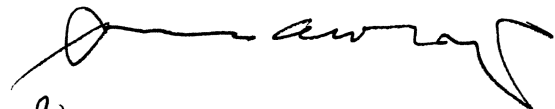
IT IS HEREBY ORDERED that the motion to dismiss is granted, and this appeal is dismissed for lack of jurisdiction.

IT IS FURTHER ORDERED that the supreme court clerk's office shall forward a copy of this order and Petitioner-Appellant's response in opposition to Respondent-Appellee State of Hawaii's motion to dismiss appeal to the Attorney General for review and investigation, if warranted, of the possible unauthorized practice of law by persons affiliated with EXPRESS LEGAL SERVICES, 1088 Bishop Street, Suite 903, Honolulu, Hawai'i 96813, and 1750 Kalakaua Ave., Suite 103-3624, Honolulu, Hawai'i, 96820.

DATED: Honolulu, Hawai'i, August 30, 2005.

Lisa M. Itomura,
Deputy Attorney General,
for respondent-appellee
on the motion

Nathaniel Bonty,
petitioner-appellant,
pro se, in opposition



Nathaniel E. Bonty, Jr.