

*** NOT FOR PUBLICATION ***

NO. 27283

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

JAMES DAVID KALILI, JR., Defendant-Appellant.

APPEAL FROM THE THIRD CIRCUIT COURT
(CR. NO. 04-1-0271K)

ORDER DISMISSING APPEAL
(By: Nakayama, J. for the court¹)

Upon review of the record, it appears that the March 31, 2005 judgment was appealable by notice of appeal filed within thirty days after the judgment was entered. See HRAP 4(b)(1). Appellant's notice of appeal was filed on May 3, 2005, thirty-one days after entry of the March 31, 2005 judgment and was untimely. Our recognized exceptions to the requirement that notices of appeal be timely filed to do not apply in this case. Thus, we lack jurisdiction. See Grattafiori v. 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 [in a criminal matter] is jurisdictional, and we must dismiss an appeal on our own motion if we lack jurisdiction."); HRAP 26(b) ("[N]o court or judge or justice is authorized to change the jurisdictional requirements [of the 30-day appeal period] contained in Rule 4 of [the HRAP]."). Therefore,

¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

ENRIQUETA RIMANDO
CLERK-APPELLATE COURTS
STATE OF HAWAII

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

DATED: Honolulu, Hawai'i, September 22, 2005.

FOR THE COURT:

Pamela C. Nakayama
Associate Justice

