

NO. 24111

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellant

vs.

RICHARD SUNG HONG WONG, and JEFFREY R. STONE,
Defendants-Appellees

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 99-2417)

ORDER DISMISSING APPEAL

(By: Masuoka, Acting C.J., Ibarra, Kochi, Raffetto
and Chang, Acting JJ.)

Defendant-Appellant Richard Wong appeals from orders entered on December 7, 2000, and December 29, 2000, that granted and denied motions to dismiss the indictment in Cr. No. 99-2417. This appeal is not authorized by HRS § 641-11 as an appeal from the judgment and sentence of the circuit court. The December 7, 2000 and December 29, 2000 orders were purportedly certified for interlocutory appeal under HRS § 641-17, but the purported certification was erroneous inasmuch as Cr. No. 99-2417 has been dismissed, the circuit court case has been terminated, and appeal from the December 7, 2000 and December 29, 2000 orders cannot more speedily terminate a case that has been terminated. There being no statutory basis for this appeal, we lack jurisdiction. *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."). Accordingly,

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

DATED: Honolulu, Hawai'i, June 27, 2001.

Acting Chief Justice

Acting Associate Justice

Acting Associate Justice

Acting Associate Justice

Acting Associate Justice