

*** NOT FOR PUBLICATION ***

NO. 25963

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LUIS OSCAR RAMOS, Petitioner-Appellant

vs.

ADMINISTRATIVE DIRECTOR OF THE COURTS, STATE OF HAWAI'I,
Respondent-Appellee

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(ADLRO 01-3305)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that we lack jurisdiction over Petitioner-Appellant Luis Oscar Ramos's (Appellant Ramos) appeal from an administrative revocation of his driver's license. An aggrieved party is entitled to petition a district court in a timely manner for judicial review of an administrative revocation of a driver's license, but the initial judicial review is limited to the district court in the district where the incident occurred. HRS § 286-260(a) (1993) ("The petition shall be filed with the clerk of the district court in the district in which the offense occurred[.]") (repealed by 2000 Haw. Sess. Laws Act 189 § 29); HRS § 291E-40(a) (Supp. 2002) ("The petition shall be filed with the clerk of the district court in the district in which the incident occurred[.]"). Although the aggrieved party is entitled to assert a timely secondary appeal to the supreme court pursuant to HRS § 641-1(a)

***** NOT FOR PUBLICATION *****

(1993) and our holding in Kernan v. Tanaka, 75 Haw. 1, 17, 856 P.2d 1207, 1216 (1993), a secondary appeal is authorized only upon entry of final district court judgment, as required by Rule 72(i) of the District Court Rules of Civil Procedure (DCRCP) and Rule 4(a)(5) of the Hawai'i Rules of Appellate Procedure (HRAP).

The record does not indicate that Appellant Ramos sought the district court's judicial review of the administrative revocation of his driver's license, nor does the record include a final district court judgment, as DCRCP Rule 72(i), HRAP Rule 4(a)(5), and HRS § 641-1(a) (1993) require. Therefore, we lack jurisdiction over this appeal. Accordingly,

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

DATED: Honolulu, Hawai'i, October 24, 2003.

I concur in the result.