

*** NOT FOR PUBLICATION ***

NO. 26197

IN THE SUPREME COURT OF THE STATE OF HAWAII

JOSEPH R. THAMES, Plaintiff-Appellant

vs.

DEBORAH Y. MILLER, aka DEBORAH YOLANDA MILLER, DEBORAH Y. RICHARDSON, DEBORAH YOLANDA RICHARDSON, DEBORAH Y. MILLER-RICHARDSON, DEBORAH YOLANDA MILLER-RICHARDSON, Defendant-Appellee

and

DOES 1 through 500, Inclusive, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 00-1-1056)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Duffy, JJ.
and Circuit Judge Wong, in place of Acoba, J. recused)

Upon review of the record, it appears that appellant presented his notice of appeal for filing at the office of the circuit court clerk by facsimile transmission. The facsimile copy of the notice of appeal was filed as appellant's notice of appeal. No original notice of appeal was presented to the clerk and filed. The rules of court do not permit the facsimile transmission of papers to the clerk for filing. The rules of court do not permit the filing of a facsimile copy in lieu of an original paper. The facsimile copy of the notice of appeal filed

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on November 3, 2003 is not a valid notice of appeal. Thus, we lack jurisdiction over this appeal. Therefore,

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

DATED: Honolulu, Hawai'i, April 13, 2004.