

*** NOT FOR PUBLICATION ***

NO. 26684

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Interest of John Doe, born on December 26, 1986

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-J 0057039)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the appealable final order or decree in FC-J 0057039 was the June 8, 2004 further disposition order entered upon termination of the further disposition hearing, which was appealable upon the filing of a motion for reconsideration of the order. See HFCR 151; HRS § 571-54; In re Doe, 102 Hawai'i 246, 250-252, 74 P.3d 998, 1002-1004 (2003). Appellant moved for reconsideration of the May 13, 2004 adjudication rather than the June 8, 2004 further disposition. The motion for reconsideration was filed and heard before the further disposition hearing such that the family court could not have reconsidered and did not reconsider the subsequently rendered further disposition. Absent a motion for reconsideration of the June 8, 2004 further disposition, the procedural requirements for HRS § 571-54 were not met. See In re Doe, 102 Hawai'i at 252, 74 P.3d at 1004. Therefore,

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

DATED: Honolulu, Hawai'i, November 4, 2004.